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DEPARTMENT OF ST.
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Confidential.

No. 731. — U.S. Consulate General

Havana, Sept. 4th 1878.

Mr. Williams to the

Department of State.

Extraordinary taxes.

Transmitting copy and translation of a circular, addressed by the General Direction of Finance of this Island, to the offices of its depend-ency, advising them that citizens of the United States are not to be placed on a level with German subjects.

One inclosure.

Confidential.

Nº 731. — U. S. Consulate General.

Havana, Sept 4th 1878.

Hon F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

Referring to the subject of my dispatch Nº 728 of 30th ultimo, I now transmit for the information of the Depart=ment, translation and copy of the circular, that has been confident=ially furnished me, issued by the Director of Finance, to the City Councils of the Island, under date of the 26th ultimo, in which they are informed that the private order issued

the 20th December last, for the suspension of judicial executions against citizens of the United States, for the collection of arrears of taxes, is now revoked by Royal Order of 26th June past, and that said American citizens are not to be considered on an equal footing with German subjects, and that, therefore, the municipal authorities are to proceed in the collection of said arrears.

I am Sir, very respectfully

Your Obedient Servant.

R. O. Williams

Vice Consul General

Inclosure

1. Copy and translation of circular of 26th August 1878.

Inclosure N°.

With Dispatch N°

Havana, September 4th 1878.

Translation.

Circular.

Excellency:

It having been again decided by the Government of H. M., by Royal Order dated 26th June ultimo, that the subjects of the United States of America cannot be included in the exemption from payment of arrears of taxes granted to those of the German Empire, the confidential order communicated to you by this Bureau

the 20th December of last year ordering a suspension of the proceedings of judicial com-pulsion used against the aforesaid American subjects, is, by decision of His Excellency the Governor General, hereby revoked.

Which I now communi-cate to Y.E. for your inform-ation and its corresponding effects.

God preserve etc.

Havana 26 August 1878.

José del Campo.

To × × ×

Copy —

Circular —

Exmo Señor:

Declarado — nuevamente por el Gobierno de S. M. en Real Orden fecha 26 de Junio último, que los súbditos de los — Estados Unidos de America no pueden ser comprendidos en la condonacion de abrasos de contribuciones concedida á los del Imperio Aleman, queda sin efecto, por acuerdo del Exmo Señor Gobernador gral, la órden reservada que se comunicó á V.E. por este centro, en 20 de Diciembre del año pasado: mandando

suspender los procedimientos de apremio contra los espresados súbditos Americanos.

Lo digo á V.E. para su conocimiento y efectos correspondientes.

Dios gue — — — —

Habana, 26 de Agosto de 1878.

(firma) José del Campo.

...ore.
A.

Mr. Clements



ackgd. Sept. 19th

No. 732. U.S. Consulate General.

Havana Sept 7th 1878.

Mr Williams to the

Department of State.

Transmitting a copy of a Declaration and Protest entered at this Consulate by Mr Alfredo Carricaburu, Agent and Attorney of Mr Francisco Mateo de Acosta y Foster, a citizen of the United States.

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2 inclosures

No 732 — U.S. Consulate General.

Havana, September 7th 1878.

Hon F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

I have the honor to transmit herewith, by request of Mr Alfred Carricaburu, the Agent and Attorney at this City of Mr Francisco Mateo de Acosta y Foster, a citizen of the United States and resident of New York, copy of a Declaration and Protest, filed in this Consulate General by said Attorney, the 5th instant, as also of my communication to H.E. the

2/ Governor General, transmitting a copy of said protest, which I respectfully submit to the consideration of the Depart ment.

I have the honor to be,

Very respectfully,

Your Obedient Servant

R. O. Williams

Vice Consul General

Inclosures

1- Protest of Mr Alfredo Carrica =buru attorney of Mr Francisco Mateo de Acosta y Foster.

2- Mr Williams to the Goremor General - transmitting copy of said protest.

Inclosure Nº 1
With Dispatch Nº 732
Havana, September 7th 1878
Copy.—

Consulate General of the
United States of America
Port of Havana
Island of Cuba } S.S.

On this 5th day of
September A. D. 1878., before
me the undersigned, Vice
Consul General of the United
States of America, at Havana,
Island of Cuba, personally
appeared Mr Alfredo Carri=
=caburu, a resident of this
city, and declared:

That he is the duly
authorized attorney of Mr
Francisco Mateo de Acosta y
Foster, a citizen of the United
States of America and a
resident of the City of New
York:

That

That this appearer, in his capacity aforesaid, hereby enters his most solemn protest against the judgment rendered by Don Angel Curros Martin, Judge of First Instance of the District Court of Monserrate, of this City, commenced the 20th February 1877, concluded the 30th April 1878, and the proceedings published in the "Gaceta Oficial of Havana, Tuesday June 18th 1878, by virtue of which his constituent is condemned to pay over to the Marquis of Aguas Claras, Colonel of Volunteer Cavalry of this City the sum of $10463.00 Ten thousand four hundred and sixty three dollars 99/100, gold, for improvements which the said Marquis alleges to have made upon the houses numbers 119 and 121, situate

on Tealtad corner of San Rafael streets, converting them into stables for the horses of the cavalry aforesaid;

That his constituent aforesaid, not having authorized the Marquis of Aguas Claras to build, improve, or otherwise to alter his said premises, the latter had no right, without his knowledge or consent to do so:

That furthermore, Don Francisco Mates de Acosta y Rondon, the father of this appearer's constituent, died at Nassau the 10th January 1870 and by his last will and Testament left as sole and only heir to all his property Mr Francisco Mates de Acosta y Foster, and, that as the Marquis of Aguas Claras only

received the aforesaid houses
from the General Government
of this Island the 21st of January
1871, this property was
therefore at this date no
longer the property of a
Spanish subject, as the
Marquis states, but on the
contrary belonged to Mr
Francisco Mateo Acosta y
Foster, a citizen of the United
States, who was the only owner
by right and by inheritance
from the moment of the death
of his father, and which
could not be appropriated
to the uses of the Goverment
of this Island in accordance
with stipulations of the Treaty
of 1795 between Spain and
the United States:

That the Marquis
states that he received of the
Goverment several lots of
ground: whereas, according

to

to the public instrument of
sale, my constituent's father
purchased the 21st of April
1866, from Don Cecilio Bec,
"certain houses built of stone,
"covered with flat wooden
"and mortar roofs, (azotea)
"which buildings were unfinished,
"together with their lots of
"land adjoining, located on
"Sealtad street Nos 119 and
"121, one of which houses stands
"on the corner of San Rafael
"street".

That this appears
has, from time to time, made
representations before the
General Government of this
Island, through this Consulate
General, against the
arbitrary action of the
aforesaid Marquis de Aguas
Claras and now again
does hereby most solemnly
protest, particularly against.

the judgment rendered in
contra of his constituent
by the aforesaid court as
likewise against all and
whomsoever it may concern,
for all losses, damages,
costs or charges, which
may have been or may
hereafter be incurred in
the premises and requests
that a copy of this public
instrument of declaration
and protest be submitted
to His Excellency the
Governor General of this
Island, with the view
that H.E. will see that
due justice is done to his
constituent and that
another copy be forwarded
to the Department of
State, of the United States,
at Washington.

Thus done and
protested before me, the

day and year aforesaid,
and I the said Vice Consul
General have granted to the
said appearer this Public
Instrument of Protest, under
my hand and the seal of
this Consulate General, to
serve and avail him and
all others whom it doth
or may concern, as need
and occasion may require.
(Signed) Alfred Carricaburu

(Signed) R. O. Williams
U.S. Vice Consul General.

L. S.

Inclosure No. 2.
With Dispatch No. 732.
Habana, September 7th 1878
Copy.

Consulate General of the United States of America. Habana.
To His Excellency the Governor General.

&c &c &c

Habana, September 6th 1878.

Excellency:

At the request of Mr Alfredo Carricaburu, of this City, Attorney of Mr. Francisco Mateo de Acosta y Foster, a citizen and resident of the United States, I have the honor to transmit

herewith a copy of an original Declaration and Protest, filed in this Consulate General by said attorney, and to which, for the purposes therein mentioned, I most respectfully call the attention of Your Excellency.

I have the honor to be,

with great respect,

Y.E.'s Very Obedient Servant.

(Signed) R. O. Williams

Vice Consul General.

A.



Rec'd Sept. 24

Ack. Sept 26

Wood

No. 733 U.S. Consulate General.

Havana, Sept 12th 1878.

Mr Williams, to the
Department of State.

Transmitting copy and trans-
-lation of two Decrees, of the
General Government of
this Island, published in
the "Gaceta Oficial" of
Havana dated the 2nd
and 5th instants -, the first
relating to the reformation
of the present ruling
tariff, and the second treat-
-ing of the classification and
funding of the public debt
of

of Cuba.

One inclosure.

No. 733 U.S. Consulate General,

Havana, September 12th 1878.

Hon: F.W. Seward

Assistant Secretary of State.

Washington

Sir:

I have the honor to transmit for the inform-ation of the Department copies and translations of two Decrees of the Superior Government of this Island, respectively dated the 2nd and 5th instants: the first on the "Reform of the tariff" now ruling here, and the second on the subject of the Classification

and funding of the "Public Debt" of Cuba.

Upon the first of these subjects I beg to submit the following remarks, as supplementary to those of my dispatch N°. 214 of 8th. august ultimo.

At a time not far remote, when Cuba, owing to the temporary effects of factitious and accidental causes, made nearly 40 per cent of the sugar supply of the world, and when her market laid principally in Great

Britain

Britain and other
countries of Europe,
where from motives of
interest, no retaliatory
duties were imposed
on merchandise import-
-ed and exported in
Spanish shipping; it
was from this relatively
dominating position,
temporarily feasible for
Spain to maintain in
Cuba a <u>differential</u>
<u>tariff</u>; but now, that
her quota of that supply
scarcely reaches 18 per cent,
and Cuba's market to
sell <u>in</u> having changed
from Europe to be confined

almost exclusively to
that of the United States,
where these differential
duties are offset by
retaliatory duties, it has
ceased to be longer
beneficially practicable.

For some time
past the action of this
differential tariff has
been re-active, and destruct
-ive of the interest and
welfare of Cuba - and
it now only operates as
a "protection", favoring
the development of the
sugar industry in all
other countries, just to
an extent - exactly

correlative to the amount of exchangeable value it detracts from Cuba's Exports in their purchase of her Imports.

The Spanish Gov=ernment is now in the dilemma of either conti=nuing this differential tariff, or of abolishing it.

If it chooses the first alternative, it will thereby, in a brief series of years, destroy not only the sugar industry of the island, but with it, as secondary effects, all the many interests that derive their moving.

power from that crop,
such as the railroads,
the coastwise shipping,
exporting merchants,
Banks, sugar warehouses,
cooperage establishments,
wharves, lighters and
depriving of employment
its brokers, clerks, mechan-
-ics, laborers, steredores,
&c. - rendering also valueless
to creditors its public
debt.

The export basis
of the Island once dissip-
-ated its import business
too, ceases, and then
another train of large
and small business
establishments

establishments will simultaneously go out of existence, for the want of sugar, out of which staple, flows their moving power.

Coincidently, with the working out of this process, other countries are striving to occupy the position of Cuba as sugar purveyors to the United States.

If, however, Spain should act from a higher standard of thought, and with the wisdom and sense of responsibility, that ought

to be the rule of all governing powers, and abolish this tariff, thereby leaving Cuba with the right to buy wherever she can do so the cheap-est; then in that event the great bulk of Cuba's imports must come from the United States:- for the simple reason that she can there buy them cheapest, reaping besides a great saving of time, because of the proximity of the United States, over bringing them from Spain and other European countries.

As a proof of
the capability of the
United States to furnish
the imports of Cuba to
the advantage of its
population, we have the
practical fact that the
dry-goods merchants of
this city, are at the
present day importing
American calicoes, from
the United States via
Liverpool, England, from
whence they are brought
in Spanish steamers to
Havana, with the
surcharge of commission,
freight, truckage and
marine insurance consequent

upon the roundabout
way of importing, en-
forced by this differen-
=tial tariff, instead of
bringing them direct
from New York or Boston.

And this only
means that Cuba gets
just so much less of
imports in exchange for
her exports - and that
other sugar producing
countries are literally
"protected" by Spanish
legislation, just to that
extent at the expense
of Cuba.

But the relief
of Cuba does not only
demand.

demand a reform of the
tariff; but indispensably
also a much cheaper and
more simple form of
public administration, than
that hitherto practised;
for the reason that, the
supply of sugar has now
grown so great in proportion
to the demand, and Africa
closed to the slave trade, that
it cannot much longer
serve here as the basis, for
the luxury of an expensive
Imperial government,
any more than wheat
could bear it in the State
of Illinois, or cotton in
Mississippi; or coal and

iron in Pennsylvania, or lumber in Maine.

In the latter instance, from the consequent enhanced cost of production of those states, they would, in the course of time, succomb to the surrounding rival states, enjoying cheaper and less complicated government, and producing the same staples, and Cuba must in time inevitably find herself in a similar predicament with respect to other sugar producing countries.

Further, if labor-

is to becomie free here as is talked of in certain narrow circles, the planters would then have to pay wages to their hands. This would entail the necessity for the simultaneous disbandment of all surplus military and naval forces and unnecessary civil employees, simply because the labor of the country cannot produce sufficient, in face of the competition it encounters from other sugar producing countries, to stand the heavy burden of so much unpro-ductive consumption.

Cuba, in the event
of the abolition of this tariff,
ceasing to be the main
basis of the Spanish
commercial system, Spain
fortunately for her, will
find that an All Wise
Providence has been no
less lavish with her, than
with other nations in
providing her with
natural resources, in
variety of climate,
fertility of soil, forestal
and mineral products,
water-courses and good
harbors, all plastically
awaiting the attention
and moulding power of
the

the intelligence and labor of her inhabitants, to be converted into many times more wealth than could ever be developed by Spain in Cuba, and thus would she assume a position more in accord with Universal order and Universal harmony.

I have the honor to be, with great respect, Your Obedient Servant.

K. D. Williams

Vice Consul General.

Inclosure

1. – Copy and translation, as above.

Inclosure No 1
with Dispatch no 733.
Havana, September 12th 1878

"Official Gazette"

GOBIERNO GENERAL DE LA ISLA DE CUBA.

HACIENDA.

EXCMO. SR.

En la exposicion suscrita por el Ministro de Ultramar que precedía al Decreto de la Regencia de 10 de Setiembre de 1870, en virtud del cual se aprobó el Arancel vigente de Aduanas, se afirmó que considerándose dicho Arancel puramente fiscal y destinado á aumentar los rendimientos de las Aduanas, su carácter no podia ser más que provisional, segun se consignó asimismo en el artículo 1º del expresado Decreto. Como consecuencia de tales afirmaciones, el Gobierno Supremo no ha dejado de recomendar, desde aquella fecha, el estudio de la reforma radical de las tarifas aprobadas bajo la presion de las circunstancias y por tanto de índole transitoria, contándose entre las varias disposiciones dictadas con este objeto, las muy especiales de 12 de Abril y 9 de Diciembre de 1871, en que se daban instrucciones á la suprimida Intendencia General de Hacienda para realizar tan importante reforma.

Las mismas circunstancias que determinaron la aprobacion del Arancel, han sido, á no dudarlo, las que han impedido por tan dilatado espacio de tiempo que se llevase á cabo ni aun que se intentase este trabajo, hasta que con motivo de la remision al Ministerio de Ultramar, en 1º de Febrero del presente año, de un ejemplar de los Aranceles, adicionados con todas las alteraciones introducidas en ellos desde su publicacion, y en vista de la multitud y trascendencia de dichas alteraciones, descendió la Real órden de 14 de Marzo último reiterando lo prevenido anteriormente acerca de este asunto; y en su virtud se comenzaron los trabajos preparatorios para formular la manera de ejecutar convenientemente lo dispuesto por la Superioridad.

Pero las circunstancias, Excmo. Sr., á que se ha aludido, han desaparecido felizmente, y ya no existe razon alguna para retardar en este punto el cumplimiento de los mandatos Soberanos. Y aun cuando estos tan terminantes y reiterados preceptos no existiesen, con la paz ha llegado la época propicia de la reorganizacion de todos los ramos de la Administracion pública y de la reforma y mejoramiento, despues de un detenido estudio, del actual sistema de tributacion, y por lo tanto, siempre sería el presente el momento oportuno de acometer la revision y reforma radical de un Arancel que desde su orígen fué calificado por el Gobierno Supremo de provisional y transitorio.

Esto sentado, forzoso es escojitar los medios más adecuados para dar cima á una tarea que es muy difícil de suyo y tanto más delicada y digna de ser estudiada con prudente circunspeccion, cuanto que, segun se resuelva, puede influir bien ó mal en el comercio, en la industria, en la agricultura y en todos los ramos de la pública riqueza, como tambien en el Estado, que necesita y seguirá necesitando, en debida proporcion con el sistema de tributos que se establezca, de los productos de la renta de Aduanas.

Es cuestion de interés público, y por lo mismo debe ser tratada con la mayor amplitud, teniendo la conveniente intervencion en su preparacion y estudio, no sólo los representantes directos de los ramos de la riqueza ya expresados, sino tambien los de las corporaciones que por su instituto y especial objeto se ocupan en asuntos relacionados con el interés general, y son la expresion de los adelantos materiales é intelectuales. De esta suerte, cree el que suscribe interpretar rectamente las miras levantadas del Gobierno de S. M. que procura satisfacer las aspiraciones legítimas del país en esta y otras materias, dándole, al efecto, participacion en los trabajos de reconstruccion y reforma.

En su consecuencia, juzga lo más conveniente, por más práctico, la creacion de una comision en que tengan cabida, además del elemento oficial indispensable, todos aquellos á que se acaba de aludir, encargada de ir reuniendo y preparando los datos necesarios para estudiar y proponer en su dia la más conveniente reforma del Arancel vigente. Los antecedentes y datos que pueden suministrar las oficinas, no son en la

actualidad suficientes; pero interin se completan y, sobre todo, se forma una balanza exacta de la importacion y exportacion habidas en el año de 1877, en cuyo trabajo ya se ocupa con toda actividad esta Direccion, por considerarlo indispensable juntamente con las valoraciones para emprender la reforma arancelaria, no serán ociosas las tareas de la proyectada comision, puesto que podrá ir acopiando interesantes noticias, fijando valoraciones, preparándose, por decirlo asi, para el más acertado desempeño de su grave é interesante cometido.

Y cierto que no cabe en los propósitos de esta Direccion ponerle trabas ni obstáculos de ninguna clase: antes al contrario, considera conveniente que la comision pueda, en el círculo de sus atribuciones, discutir ámpliamente todo cuanto sea conducente á su interesante objeto; que elija su Vicepresidente y Secretarios; que ordene y divida sus trabajos y que redacte y proponga en la ocasion oportuna la reforma, sin más limitacion que la observancia de las prescripciones del Gobierno Supremo, recomendando que en el nuevo Arancel se procure huir de clasificaciones inútiles y se adopte un sistema de agrupacion racional y sencillo; lo cual, por otra parte, está de acuerdo con lo que la ciencia y la práctica enseñan como más eficaz y conveniente.

En virtud de todo lo expuesto, el Director que suscribe tiene la honra de proponer á V. E. el siguiente proyecto de Decreto.

Habana 3 de Setiembre de 1878.

Mariano Cancio Villaamil.

DECRETO.

De acuerdo con lo informado por la Direccion General de Hacienda, he resuelto, con esta fecha, lo que sigue:

Artículo 1º Se crea una comision encargada de estudiar la reforma del Arancel vigente de Aduanas, bajo la presidencia del Director General de Hacienda.

Art. 2º Se compondrá esta comision de los tres Vocales de la Junta de Aranceles que por Reglamento deben formar parte de la comision de valoraciones, de los dos representantes, en dicha Junta, de la Delegacion del Banco Hispano-Colonial; de un miembro de la Sociedad Económica, designado por esta corporacion; de un Vocal de la Academia de Ciencias, igualmente designado por la misma; de seis comerciantes importadores, propuestos por la Junta de Comercio; de dos hacendados, propuestos tambien por la Junta Directiva del Círculo de dicha denominacion; de dos fabricantes y dos industriales, elegidos entre los de sus correspondientes gremios; de dos armadores ó navieros; del Catedrático de "Derecho mercantil" de la Universidad: de un profesor de la "Facultad de Farmacia," designado por el Rector de dicho establecimiento literario; del Jefe de la "Comision para la reforma de las Ordenanzas de Aduanas;" del Administrador y Contador de la de esta Capital y de otro funcionario de la Secretaría de la Direccion de Hacienda, versado en el ramo y que designe el Director general.

Art. 3º La Comision elejirá entre sus vocales los que han de desempeñar los cargos de Vicepresidente, Secretario y Vicesecretario, debiendo ser auxiliados los trabajos de la Secretaría, cuando sea indispensable, por los funcionarios de la Administracion que designe la Direccion General de Hacienda.

Art. 4º La Comision arreglará su gobierno interior y ordenará sus trabajos en la forma que mejor convenga al objeto de su cometido.

Art. 5º Interin se reunen todos los datos y antecedentes necesarios, y se termina la balanza mercantil que debe ser una de las principales bases para los trabajos de la Comision, podrá esta consagrar sus tareas á la adquisicion de dichos datos, á la revision de los valores que sirvieron para la formacion del actual Arancel y á la preparacion y estudio de las materias que han de ser objeto de sus trabajos.

Al efecto queda facultada para dirigirse oficialmente, por conducto de su Presidente ó Vice presidente, á todas las dependencias de la Administracion pública, para los asuntos de su especial competencia, como tambien para llamar á su seno á cuantas personas juzgue oportuno para la mayor ilustracion de los mismos.

Art. 6º La Comision debe quedar constituida el 20 del presente mes de Setiembre.

La Direccion General de Hacienda adoptará las disposiciones necesarias para la cumplida ejecucion de este Decreto.

Habana 3 de Setiembre de 1878.

Arsenio Martinez de Campos.

EXCMO. SR.

Los pagos de obligaciones contraidas por el Tesoro de la Isla ántes de 1º de Julio último han sido suspensos por disposicion del Gobierno General de 25 del mismo mes. Esta medida coincide con el propósito del Gobierno de S. M. de deslindar las obligaciones corrientes de las atrasadas, en atencion á no ser posible que unas y otras pesen juntamente sobre el Tesoro como créditos de ineludible é inmediato pago, surgiendo de este hecho inevitable la necesidad de la liquidacion y clasificacion de

dichos créditos, para constituir con ellos en lo sucesivo la Deuda pública del Tesoro de la Isla.

Los atrasos datan desde 1860, en que con motivo de la anexion de Santo Domingo y de su evacuacion en 1866, tuvo el Tesoro que tomar del Banco Español de esta Capital las sumas necesarias para cubrir aquel servicio extraordinario. Sobrevinieron los sucesos de 1868, sin dar lugar al pago de las cantidades recibidas, y la guerra creó necesidades extraordinarias, que si en parte han sido satisfechas con los recursos ordinarios y extraordinarios creados al efecto, otra parte considerable ha quedado sin satisfacer, como ocurre siempre en todos los paises en circunstancias análogas. La cuantía de esta deuda no es, sin embargo, tanta que una vez regularizada y escalonada su amortizacion pueda afligir gravemente al Tesoro de la Isla: su capital calcúlase aproximadamente en 145.000,000 de pesos, en esta forma:

Billetes de Banco por cuenta del Tesoro	45.000,000
Operaciones de crédito.....	72.000,000
Obligaciones de presupuestos.	28.000.000

Cierto es que en la parte que se refiere á obligaciones de presupuestos existe, especialmente en las que proceden de haberes personales, una desigualdad grande, entre acreedores de un mismo orígen; que en las operaciones de crédito hay préstamos sin interés, hechos en momentos supremos á la Autoridad Superior de la Isla sin contrato ni lucro alguno; que existen algunos procedentes de depósitos, que es necesario reponer, y que hay valores que á su emision se declararon aplicables al pago de obligaciones especiales cuya condicion ha dejado de cumplirse por razon de las circustancias que éste Tesoro ha venido atravesando; todo lo cual aconseja que debe procederse á una liquidacion de cuantos créditos han de constituir la deuda, así como á la clasificacion de los mismos, segun su índole, para establecer el órden que ha de guardarse en su amortizacion y señalar los intereses, de forma que, en la medida de lo posible, se cause el menor perjuicio á los acreedores.

Y como quiera que la liquidacion y clasificacion de la deuda, una vez suspenso el pago, es de suma urgencia para que los interesados reciban en el más breve plazo posible los valores que les correspondan, debe darse á ese trabajo la mayor preferencia, cuidando tambien de hacerlo de manera que lleve al país la seguridad de la exactitud más escrupulosa en todas las operaciones. Al efecto, una vez hecha por las oficinas competentes la liquidacion á cada acreedor por obligaciones de presupuesto, se pasará dicha liquidacion con sus antecedentes á una Junta revisora para su exámen y clasificacion; y en su virtud se está en el caso de proceder desde luego al nombramiento y constitucion de dicha Junta, para cuyo objeto propongo á V. E. el siguiente proyecto de Decreto.

Habana 5 de Setiembre de 1878.

Mariano Cancio Villaamil.

DECRETO.

1.º De acuerdo con lo propuesto por la Direccion General de Hacienda, se crea una Junta que se denominará de «Revision y clasificacion de la deuda del Tesoro» de esta provincia.

2º Compondrán la Junta el Director General de Hacienda, Presidente; el Intendente de Ejército de la Isla, Vicepresidente; el Ordenador General de Marina de este Apostadero; un Catedrático de derecho de la Universidad, que designará el Rector de la misma; el Director del Banco Industrial; el del Banco del Comercio; el de la Caja de Ahorros; D. Joaquin Demestre, D. Francisco Montaos, D. Pedro Martin Rivero y D. Cayetano Gonzalez Novelles, que hará de Secretario.

3º Será objeto de los trabajos de la Junta la revision de las liquidaciones que hagan los Centros de contabilidad y su clasificacion, segun el orígen de cada crédito, así como el cange de valores.

4º Para el mejor órden de estos trabajos, se dividirán los créditos que han de clasificarse en dos agrupaciones: los que procedan de operaciones del Tesoro, y los que procedan asimismo de obligaciones de presupuesto, separando estos últimos por los conceptos de personal y material.

5º Tambien propondrá la clase de valores que considere conveniente crear para pagar á los respectivos acreedores, y los medios más apropiados que hayan de adoptarse para nivelar en lo posible á los que por deuda personal se encuentran actualmente desnivelados en el percibo de sus haberes.

6º La Junta deberá constituirse el 16 del presente mes.

Habana 5 de Setiembre de 1878.

Arsenio Martinez de Campos.

Inclosure No 1:-
With Dispatch No 733
Havana. September 12th 1878.

Translation

General Government of the
Island of Cuba.

Finance.

Excellency:

In the exposition subscribed by the Colonial Minister, which preceded the Decree of the Regency, dated September 10th 1870, in virtue of which the present tariff of customs duties in force was approved, it is stated, that, as the said Tariff was considered as purely fiscal, and as intended to increase the revenues from customs, its character could only be provisional, as is expressed in Article 1, of the

Decree itself. In consequence of such assertions. the General Government has not ceased, since that date, to recommend the consideration of a radical reform in the tariff, approved under the pressure of circumstances, and therefore of a transitory nature, counting among the various orders promulgated to this end, the very special ones of April 12th and December 9th 1871, in which instructions were given to the suppressed Intendancy General of Finance, to carry into effect this important reform.

The circumstances that decided the approval of the Tariff, have been, without doubt, the same that have prevented for such a lengthy period of time, the carrying into effect, of this work, or even from making the attempt to do so, until

on the

on the occasion of the forwarding to the Colonial Ministry, on the 1st of February of this year, of a copy of the Tariff, with the addition of all the alterations introduced in it since its publication; when, in view of the great number and importance of said alterations, the Royal Order of March 14th ultimo, was issued, reiterating what had previously been ordered in the matter; and in virtue thereof, the preparatory labors were commenced in order to formulate the manner of properly carrying into effect what had been ordered by superior authority.

But, Your Excellency, the circumstances alluded to, have happily disappeared, and there no longer exists any reason whatever to delay the execution of the sovereign orders in this matter. And even

although these positive and re-
iterated precepts did not exist;
with Peace, the favorable moment
has arrived, for the reorganization
of all branches of the public
Administration, for the reform
and improvement ___ after
mature study, ___ of the present
system of taxation, and consequently
the present moment would be
the fit time to undertake the
revision and radical reform
of a tariff, which from its in-
ception was qualified by the
Supreme Government, as provisional
and transitory.

This being conceded, it is
requisite to consider the means
most adequate to terminate a
task, difficult in itself, and the
more delicate and worthy of being
considered with prudent circum-
spection, as that, according as
it may be decided, it may have
an influence for good or evil,

in commerce, in industry, in agriculture, and in all branches of public wealth, as also in the State, which requires and will continue to require, in due proportion with the system of tribute that may be established, the proceeds of the customs revenues.

It is a question of public interest, and for the same reason should be treated with the greatest latitude, and the proper intervention in its preparation and study, should be held therein by not only the direct representatives of the already mentioned branches of wealth, but also those of the & corporations which by their design and special object are occupied in affairs related with the general interest, and are the expression of material and intellectual progress. Thus, the undersigned, believes that he correctly interprets the elevated views of

His Majesty's Government, which endeavors to satisfy the legitimate aspirations of the country in this and other matters, giving it actually, participation in the labor of reconstruction and reform.

Consequently, the undersigned considers more convenient, as being the most practicable, the creation of a committee, in which shall be allowed, besides the indispensable official element, all those persons just referred to, the said committee to be charged with the collection and preparation of the data required to consider, and in due time to propose the most suitable reform in the Tariff in force. The antecedents and data, that the public offices can furnish, are not at present sufficient, but whilst they are being completed, and above all, whilst an exact compairative estimate (balanza) is being

made

made of the imports and exports of the year 1877 - in which this Direction is now actively engaged, believing it to be indispensable together with the valuations, to undertake the reform in the Tariff, the labors of the Committee will not be thrown away, as it can continue to collect interesting statistics, fix valuations, and be preparing itself, so to speak, for the better execution of its high and interesting charge.

And it is very certain that it is not the intention of this Direction to place any trammels or obstacles whatever in its way; rather, on the contrary it considers it proper that the Committee shall, within the circle of its attributions, discuss fully all whatever may be conducive towards its interesting object; that it shall elect its Vice President and Secretary; that

it shall regulate and divide its labors and shall draw up and propose in due season the reform, without any further limitations than the observance of the prescriptions of the Supreme Government; recommending that in the new Tariff, it shall endeavor to avoid useless classifications, and a system of simple and rational grouping shall be adopted, which besides, is in accord with what science and practice teaches as most efficacious and convenient.

In virtue of all which, the undersigned, Director of Finance, has the honor to propose to Your Excellency the following plan of a decree.

Havana. Sept 3d 1878

Mariano Cancio Villamil.

Decree —

In accordance with the report from the General Direction

of Finance, I have resolved, under this date, as follows; -

Art: 1er A committee charged to study the reform in the Tariff of Customs at present in force, is hereby created, under the Presidency of the Director General of Finance.

Art: 2me. This Committee shall be composed of the three members of the Board on the Tariff, who by law form part of the committee on appraisements; of the two representatives, in said Board, of the delegation of the Hispano-Colonial Bank; of one member of the Economic Society, to be appointed by said society; of one member of the Academy of Sciences, appointed in like manner; of six merchants, importers, proposed by the Board of Commerce; of two planters, proposed by the

Directory of the Circle of Planters; of two manufacturers and of two tradesmen, elected by their respective guilds; of two ship-owners; of the Professor on Mercantile Law at the University; of a professor of the faculty of Pharmacy, appointed by the Rector of the University; of the chairman of the Committee on the Reform of Custom House regulations; of the Collector and Chief auditor of Customs of this city, and of another competent official from the Secretary's office of the Direction of Finance, to be appointed by the Director General.

Art: 3d. The committee shall elect from among its members, those who shall perform the functions of Vice President, Secretary and Vice Secretary, the duties of the Secretary's office, to be assisted, whenever it shall be indispensable,

by

by those officials of the Administration, that the General Direction of Finance shall appoint -

Art 4: The Committee shall arrange its interior government and shall regulate its labors in the form which shall best serve the object in view.

Art 5" - Whilst all the data and necessary antecedents are being collected, and the mercantile comparative statement (balanza) is being completed, which is to be one of the principal basis for the labors of the Committee, the said committee shall give its efforts to the adquisition of said data, to the revision of the valuations which served for the formation of the present Tariff, and to the preparation and consideration of matters which are to be the object of its labors.

Therefore, it is hereby empowered to address itself officially through its President or Vice President, to all the dependencies of the public administration, for the affairs of its special cognizance, as also to summons before it, all persons it may deem necessary for the better illustration of the same.

Art: 6°. The Committee shall be constituted by the 20th of the present month of September.

The General Direction of Finance shall adopt the measures necessary for the proper execution of this decree.

Havana September 3d 1878

Arsenio Martinez de Campos

Your Excellency:

The payment of obligations contracted by the Treasury of the Island, previous to the 1st of July ultimo, was suspended by order of the General Government on the 25th of the same month. This measure coincides with the intention of His Majesty's Government to set apart the current expenses from those in arrears, in consideration of the fact that it is not possible that both one and the other should at the same time burden the Treasury as liabilities of unavoidable and immediate payment, and from this inevitable fact, arises the necessity of the liquidation and classification of said liabilities, to constitute therewith, hereafter, the public Debt of the Treasury of the

Island.

The arrears date from the year 1860, during which period, by reason of the annexation of Santo Domingo and of its evacuation in 1865, the Treasury was obliged to take from the Spanish Bank of this city, the sums necessary to cover that extraordinary service. The events of 1868 then occurred without giving an opportunity for the repayment of the amounts received, and the war created extraordinary needs, of which although a part has been paid by the extraordinary and ordinary resources created for the purpose, another considerable part has remained as yet unpaid, as always happens in every country under analogous circumstances.

The sum total of this debt is nevertheless, not so large that if its funding were properly regulated,

regulated and scaled, it would heavily burden the Treasury of the Island; Its capital may be approximatevely calculated at $145.000.000, as follows:

Bank bills issued on account of the Treasury	$45.000.000.
Operations of credit	„ 72.000.000 -
Due by the estimates.	„ 28.000.000 -

It is certain, that in that part that refers to the amount of obligations due by the estimates, especially to those proceeding from personal salaries, there exists a great inequality among creditors of the same origen; that in the operations of credit, there are loans without interest, made at times of great need to the Superior Authority of the Island, without any contract or profit whatever; that there exists a number proceeding from deposits, which it is necessary to replace, and that there are values which

at their issue were declared applicable to the payment of special obligations, the conditions of which have been unfulfilled on account of the circumstances through which this Treasury has passed; all of which counsels that the liquidation of all obligations whatever that are to constitute the Debt, should be proceeded with, as also the classification of the same, according to their character, to establish the order which should be observed in its funding, and to fix the interest, in such a manner that within the limits of possibility, it shall cause the least prejudice possible to creditors.

And notwithstanding that the liquidation and classification of the debt, once its payment has been suspended, is of the greatest urgency that those concerned should receive

within the shortest possible time, the values which correspond to them, the greatest preference should be given to this labor, and at the same time, pains taken that it shall be carried out in a manner, that the country should have the assurance of the most scrupulous exactness in all its operations.

Therefore after each liquidation shall have been made by the competent offices, to each creditor for obligations of estimates &c, the said liquidation with its vouchers shall be sent to a revisory Board for its examination and classification; and in virtue thereof, it is necessary to proceed at once to the appointment and constitution of said Board, for which purpose, I propose to Your Excellency, the following plan of a decree.

Havana September 8th 1878

Mariano Ramis Villamil -

Decree

1º: In accord with what is proposed by the Director General of Finance, a Board is hereby created, to be called the Board of Revision and classification of the Debt of the Treasury of this Province.

2º: Said Board shall be composed of the Director General of Finance President; the Intendant of the Army of the Island, Vice President; the Paymaster General of the Navy of this Station; a professor of law of the University, to be appointed by the Rector of the same; the President of the Industrial Bank; the President of the Bank of Commerce; the President of the Savings Bank; Don Joaquin Demestre; Don Francisco Montaos; Don Pedro Martin Rivero, and Don Cayetano Gonzalez Novelles, who will act as.

as Secretary.

3d. The object of the labors of the Board, shall be the revision of the liquidations made by the Central Bureaus of Audit, and the classification, according to its origin, of each credit; as also the exchange of values.

4th. For the better order of these labors, the credits to be classified shall be divided into two groups: those which proceed from operations of the Treasury, and those proceeding from obligations of the estimates, separating these latter under the heads of personal and material.

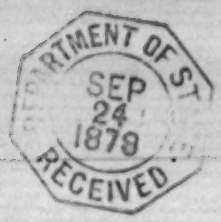
5th. It shall also propose the kind of values, it considers it convenient to create to pay the respective creditors, and the most proper means to be adopted

to equalize, as far as possible,
those who ~~—~~ for personal debt
or salaries, are at present unequal
in the receipt of their salaries.

5ª The Board shall be constituted
by the 15ª of this present month.

Havana September 5 1898
Arsenio Martinez Campos

4.



Wood

No 734. — U. S. Consulate General.

Habana, Sept 13th 1878.

Mr Williams, to the

Department of State.

Upon the abolition of slavery in Cuba - in exchange for a reciprocity treaty with the United States.

Transmitting copy and translation of an article from "La Libertad of 10th Sept 1878.

One inclosure —

N° 734 — U.S. Consulate General.

Havana, Septr 13th 1878.

Hon W. H. Seward
Assistant Secretary of State.
Washington.

Sir:

As an indication of the tone of conversational discussion going on here, in regard to preserving to the Sugar industry of Cuba through a Reciprocity treaty with the United States, I have thought that the enclosed translation of an article that appeared in the newspaper "La Libertad", of this city, of

the 10th instant might be
interesting to the Depart-
ment.

I have the honor to be,

very respectfully

Your Obedient Servant.

R. O. Williams

Vice Consul General

Inclosure

1.- Copy and translation as
above.

Inclosure No. 1-
With Dispatch No. 734.
Havana, September 13th 1878-
From "La Libertad" of Havana
10th September 1878.

Disipemos dudas.

Como ha llegado á nuestra noticia, que muchas de las personas que se ocupan en estos solemnes momentos de la reconstrucion del pais, entienden que no es fácil llegar á realizar la reciprocidad con los Estados Unidos; debemos decirles que esa reciprocidad la tendremos tan pronto queramos tenerla. Como nuestro Gobierno puede ofrecerles el trabajo libre en Cuba, el pueblo y Gobierno de aquel pais, sin vacilaciones entrarán por la reciprocidad, en su deseo de que concluya la esclavitud, á la que combaten sin trégua. No debemos olvidar que se ha tratado recientemente en la Cámara de Representantes de los Estados Unidos, de impedir la entrada en aquel pais de productos ó mercancías elaboradas por esclavos, pues á tanto equivalía la proposicion que se presentó en dicha Cámara de Representantes, para recargar con mayores derechos los productos de Cuba, proposicion que si hubiera llegado á ser Ley, excluiria de aquel mercado nuestros frutos.

Y el Gobierno nacional bien puede ofrecer á los Estados Unidos la conclusion del trabajo forzado, porque con una zafra quedan indemnizados los propietarios de esclavos de su íntegro valor. Esto está demostrado; pero no nos cansaremos de repetirlo. Establecido que sea el libre cambio en Cuba, y obtenida la reciprocidad de los Estados Unidos, nuestro pais tendrá anualmente sobre las ganancias actuales de su agricultura, la enorme suma de *ciento veinte millones de pesos.*

Translation.—

Let us dissipate doubts.

As we are informed, that

many of those persons, now
giving their attention at this
critical moment to the recons=
=truction of the country, —
understand that it is not
an easy matter to obtain
a treaty of reciprocity with
the United States; it becomes
our duty to inform them
that we will obtain such
a treaty the moment we
desire it. As our Govern=
=ment can offer free labor
in Cuba, the people and
Government of that —
country, will without —
vacillation enter into a —
treaty of reciprocity, —
prompted by the desire for
the realization of the —
abolition of slavery, against
which institution they —
incessantly contend.

We should not
lose sight of the proposition

recently laid before the House of Representatives of the United States, for the purpose of prohibiting the entry into that country of produce or merchandise manufactured with slave labor, and the proposition submitted to said House of Representatives was of so much importance that it advocated the imposition of increased duty on the products of Cuba. and had it become a law would have excluded our exports from that market.

And the national Government can well offer to the United States to abolish slavery, for the reason that with one crop slaveholders here could be paid the full price of their slaves. This is already demonstrated; but we shall not cease to

repeat it. Once free trade is established in Cuba, and a treaty of reciprocity obtained with the United States, our country will acquire an annual increase upon the actual profit of its agriculture amounting to the enormous sum of one hundred and twenty millions dollars.

Havana.

Form 3.

No. 3 file

Mr. Clement

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following Message.

A. B. BREWER, Secretary. WILLIAM ORTON, President.

September fourteenth

To Secretary of State Received at Washington DC

735 am Sept 15 1878

Washington

Rec'd Sept. 24

Steamer Santiago de Cuba

sailed from New York fourth instant

not arrived If she had dispatches

please send duplicates Williams

25 Havana C & C

(See other side)

DEPARTMENT OF ST
SEP
24
1878
RECEIVED

Welsh
Sept. 24

Moore

No 735. U.S. Consulate General.

Havana, Sept 17th 1878.

Mr Hall, to the
Department of State.

Return of the writer to his post after a leave of absence of sixty days.

N°735.— U.S. Consulate General

Habana, Sept 17th 1868

Hon F.W. Seward

Assistant Secretary of State.

Washington

Sir:

Recurring to your instruction N° 464 of the 25th June ultimo, I have the honor to inform you that I have returned to my post, after an absence of seventy days, of which ten days have been employed in transit to and from the United States.

I shall resume my official duties tomorrow.

I-

I have the honor to be, Sir,

very respectfully,

Your Obedient Servant.

Henry C Hall

Consul General

Mr Wood

Ack'd Oct. 1

No 735.



U.S. Consulate General
Havana Sept 17th 1878

Mr Hall, to the
Department of State.

Transmitting accounts for Extra Clerk hire, and Miscellaneous Expenses paid during 2nd qr of 1878.

No 736.

U. S. Consulate General
Havana September 17 1878.

Hon: F. W. Seward
Assistant Secretary of State.
Washington. D. C.

Sir:

I transmit herewith the following accounts for extra clerk hire and miscellaneous expenses at this consulate during the quarter ending June 30th 1878.

Inclosure no 1: Account for extra clerk hire, paid L. V. Schmidt $375.—

Inclosure no 2: Account for extra clerk hire, paid José Calvo " 90.—

Inclosure no 3: account for miscellaneous expenses, viz:

Rent	$300.-
Stationery & Printing	" 173.85
Postage &c	" 114.-
Boat Hire	" 85.-
Subs: to Havana newspapers	" 19.95.
Carry over	$692.80 $465.—

brought over $692.80.$465 –

Telegrams. " 92.10

* Expenses forwarding books " 21.33. 806.23

The above amounts have been debited to the U.S. in my account current for Salary & Fees for 2nd quarter of 1878, and I trust will be found in order.

I have the honor to be, Sir,

Very respectfully,

Your obedient Servant,

Henry C Hall

Consul General.

* Expenses forwarding boxes containing books & blank forms, received from the Dept. to Commercial Agent at Ponce P.R.

Mr Wood

Acknd Oct 1

No 737. U.S. Consulate General
Havana, Sept 26th 1878.

DEPARTMENT OF ST
OCT
4
1878
RECEIVED

Mr Hall to the
Department of State.

Commercial Agency of Baracoa.

Acknowledging the receipt of Instruction No 467 - relating to the appointment of Mr Datus E. Coon to be Commercial agent of the United States at Baracoa.

One inclosure.

No 737. U.S. Consulate General.

Havana, September 26th 1878.

Hon William Hunter

Second Assistant Secretary of State.

Washington.

Sir:

I have now to acknowledge the receipt of your instruction, No 467 of the 26th July ultimo, advising me that Mr Dates E. Coon of Alabama has been appointed Commercial Agent of the United States at Baracoa, in this Island, and instructing me to apply to the proper colonial officer for his recognition, in that character, pending the receipt of the usual exequatur for which a request has been made through the Legation of the United States at Madrid.

In compliance with the instruction, I have addressed a communication to the Governor General advising him of the

Department's intention to raise the present consular agency to a commercial agency and asking for Mr Coon the usual temporary recognition.

But for my absence in the United States, the subject of the instruction would have received earlier attention, although I was advised, while there by Mr Coon himself, that he did not contemplate coming to the Island until November.

I have the honor to be, Sir,

Very respectfully
Your Obedient Servant.

Henry C Hall
Consul General

Inclosure
1.- Mr Hall to the Governor General - September 26th 1878.

Inclosure No 1.-
With Dispatch No 737.
Havana, Sept 27th 1878.
Copy-

Consulate General of the United States of America at Havana. 1000

To His Excellency
the Governor General

Excellency:

Havana, Sept. 26th 1878.

The Department of State, of the United States, has communicated to this Consulate General the appointment of Mr Dates & Coon to be the commercial agent, of that Government, at the port of Baracoa, in this Island, and further

instructs the undersigned to
apply to Y.E. for the temporary
recognition of Mr Coon, in
that character, pending the
recognition of the Government
of Spain to which application
has been made through the
Legation of the United States
at Madrid for the usual
exequatur.

The undersigned begs
leave further to state to Y.E.
that the present agency of
the United States at Baracoa,
is a dependency of the Con-
-sulate at Santiago de Cuba;
but in view of its increasing
commercial relations with
the United States and the

considerable number of
American vessels annually
visiting that port, the
Department has deemed it
advisable to raise the office
from a Consular Agency
to a commercial agency
directly responsible to the
Department and not to the
Consulate at Santiago de
Cuba as heretofore.

The undersigned
is persuaded that Y.E. will
find no inconvenience in
acceding to the request of
his Government which he
has now the honor to
communicate.

The undersigned

has the honor to be with
high respect and consideration
Y Ob't. Obedient Servant
(signed) Henry C Hall
Consul General

Trans. Dept

Wood

Adopted

No. 738. U.S. Consulate General.

Havana, Sept 26th 1878.

DEPARTMENT OF ST. OCT 4 1878 RECEIVED

Mr. Hall, to the Sec'y of State

Department of State.

Acknowledging the receipt of the Department's circular instruction of 21st August ultimo requesting certain information for the use of the Surgeon General of the Marine Hospital Service.

No 738. — U.S. Consulate General
Havana, Sept 26th 1878.

Hon F.W. Seward
Assistant Secretary of State.
Washington

Sir:

I have the honor to
acknowledge the receipt of
the Department's circular
instruction, of the 21st ultimo,
requesting certain information
for the official use of the
Surgeon General of the
Marine Hospital Service.

The subject of the
circular will receive my best
attention. I will state, however,
that as no statistics of any

importance, upon the subjects embraced in the circular, have ever been published here, I am apprehensive that it will be very difficult to prepare a satisfactory report.

I am Sir, very respectfully
Your Obedient Servant.
Henry C Hall
Consul General.

Feb 1 Spec

Mr Wood

acknd
Oct 7

No 739. U.S. Consulate General.

Habana, Sept. 26th 1878.

DEPARTMENT OF ST
OCT
4
1878
RECEIVED

Mr Hall, to the

Department of State.

Arrears of Extraordinary taxes.

Acknowledging the receipt of instruction No 470 of 13th September 1878, advising that the subject of the arrears of extraordinary taxes has been brought to the attention of Mr Sowell.

No 737. — U. S. Consulate General

Havana, Sept 26th 1878.

Hon William Hunter.

Second Assistant Secretary of State.

Washington.

Sir:

I have to acknowledge the receipt of your instruction, No 470 of the 13th instant, advising that the subject reported by Mr Williams in his telegram and his dispatch No 728 of the 30th ultimo has been brought to the attention of Mr Lowell.

It is to be hoped that Mr Lowell will succeed in removing this very just cause of complaint on the

part of our citizens residing in
Cuba. I allude to the fact that
the Spanish authorities, in
this Island, demand of Ame-
-rican citizens, merchants for
instance, payment of arrears
of taxes from which the
subjects of the German Empire,
following the same occupa-
-tion, have long since been
exempted.

In this connexion
I beg to refer to my dispat-
-ches Nos 713 of 27th June - 699 of
16th May ultimo, and series.

I have the honor to be Sir,

very respectfully

Your Obedient Servant

Henry Clay Hall
Consul General

Wood
& McGowan

Ackd. Oct. 29th

No 740.— U.S. Consulate General.
Havana, October 1st 1878.

DEPARTMENT OF STATE
OCT 9 1878
RECEIVED

Mr Hall, to the
Department of State.

Claim of Manuel José de Rojas.

Representations of the master of the vessel and
It Contains papers also relative to the [illegible] cations,
Officers - cost &c. Mr
hat
the
Vara,
estora-
roperty
San

Mayaguez.

One inclosure.

Wood
& McGowan

Ackd. Oct. 29th

No 740.— U.S. Consulate General.
Habana, October 1st 1878.

DEPARTMENT OF ST
OCT
9
1878
RECEIVED

Mr Hall, to the
Department of State.

Claim of Manuel José de Rojas.

Transmitting copies and translations of communications, addressed to the agent of Mr Rojas, informing him that orders have been given to the Collectors of Revenues, at Remedios and Santa Clara, for the unconditional restoration of all Mr Rojas' property except the sugar estate San Rafael.

One inclosure.

No. 740. U.S. Consulate General
Havana, October 1st 1878.

Hon F.W. Seward.
Assistant Secretary of State.
Washington.

Sir:

With reference to my dispatches, No. 702 of 24th May, 709. 714 and 715 of 15th 27th and 28th June and to Mr Williams No. 719 of 16th July ultimo, relating to the claim of Mr Manuel José de Rojas, a citizen of the United States, for the restoration of his embargoed estates and property in this Island, I have now to inform the Department that Mr Rojas' agent has been officially advised, by the General Direction of Finance, that orders have been issued to the collectors of rentas, at Remedios and Santa Clara, to restore, without conditions, all the properties of Mr Rojas, existing in those jurisdictions,

except the sugar estate San Rafael, about which there is pending the question of the validity of the lease, which has been referred by the Government of Cuba to the Spanish Minister at Washington - and is now before the Department.

I transmit herewith copies and translations of the communications above referred to. As yet nothing on the subject has been addressed to this office.

The orders now given are similar, in purport, to those given in May last and which were not carried out by the local authorities in the districts where Mr Rojas property is situated.

I have the honor to be Sir,

Very respectfully

Your Obedient Servant

Henry C Hall

Consul General

Inclosure-

1 - The General Direction of Finance to Mr José Francisco Gutierrez; two communications dated September 28th 1878.

Inclosure No. 1.
With Dispatch No. 7440.
Havana, October 1st 1848.
Translation.

General Direction of Finance,
of the
Island of Cuba.

Sub Direction - Section 5th - Special
of Embargoed Property.

R. 7759.

Under this date the following is communicated to the Collector of Reremues of Santa Clara:

"Under date of 25th ult.o May
"ultimo you were addressed
"officially ordering you to restore
"the confiscated properties of Mr
"Manuel José de Rojas, which
"delivery has not yet been carried
"out.

"You will therefore proceed

"to deliver the said properties to
"the attorney of Mr Rojas, Mr
"José Francisco Gutierrez, having
"the inventory present, bearing
"in mind also that the said
"delivery shall be without con=
="ditions as ordered by General
"Government on the 10th May
"last past, and drawing up
"an act which you will remit
"to this Center for proof."

Which I transcribe to
you for your information
and for due effect.

God preserve you many years
Harana, Sept.r 28th 1878.
José del Campo.

S.r D.n José Francisco Gutierrez.

Copy.

Direccion General de Hacienda
de la Isla de Cuba.

Sub Direccion - Seccion 5 - Especial
Bienes Embargados.

R. 7759.

Con esta fecha se dice al
Colector de Rentas de Santa
Clara lo siguiente:

"Con fecha 22 de Mayo
"ultimo se ofició á V. ordenan-
="dole la devolucion de los bienes
"incautados á Dn Manuel José
"de Rojas, cuya entrega aun
"no se ha verificado. En su
"consecuencia procederá V. á
"entregar los espresados bienes
"al apoderado del Señor Rojas,
"Dn José Francisco Gutierrez,
"con presencia del inventario,
"previniendole que dicha entrega
"será sin condiciones, segun

"lo dispuesto por el Gobierno
"General en 10 de Mayo
"proximo pasado; levantando
"acta que remitirá á este Centro
"para constancia."

Lo que traslado á V.
para su conocimiento y efectos
consiguientes.

Dios gue á V. m.s a.s
Habana, Setiembre 28 1878.
José del Campo.

S.r D.n José Francisco Gutierrez

General

General Direction of Finance
of the Island of Cuba.

Sub Direccion - Section 5ª. Special
Embargoed Properties.

R. 7760.

Under this date the
following is communicated to
the Collector of Rerenues of
Remedios:

"Under date of 22nd May
"ultimo you were addressed
"officially ordering you to restore
"the confiscated properties of Mr
"Manuel José de Rojas of that
"jurisdiccion, which delivery
"has not yet been carried out.

"You will therefore proceed
"to deliver the said properties
"to the attorney of Mr Rojas,
"Don José Francisco Gutierrez,
"having the inventory present,
"bearing in mind also that the

"said delivery shall be without
"conditions as was ordered by
"the General Government on the
"10th May last past and that
"in the same (?) the sugar estate
"San Rafael is excepted it being
"subject to a special lease —
"contract pending resolution:
"which circumstance shall be
"made to appear in the Act —
"which may be drawn up and
"of which you will remit a
"certified copy to this Center
"for proof.

Which I transcribe to
you for your information and
for due effect.

God preserve you many years
Habana, Septr 28th 1878.

José del Campo

Sr Don José Francisco Gutierrez.

Copy.

Dirección General de Hacienda
de la Isla de Cuba.

Sub-Dirección - Sección 5ª Especial
Bienes Embargados.

R 7760.

Con esta fecha se dice al Colector de Rentas de Remedios lo siguiente:

"Con fecha 22 de Mayo "último se ofició á V. ordenándole "la devolución de los bienes incauta "dos á Dn Manuel José de Rojas, "de esa jurisdicción, cuya entrega "aun no se ha verificado. En su "consecuencia, procederá V. á "entregar los espresados bienes al "apoderado del Señor Rojas. Dn "José Francisco Gutierrez con "presencia del inventario; previ= "niendole que dicha entrega será "sin condiciones, segun lo dispuesto

"por el Gobierno General en 10
"de Mayo proximo pasado y
"que en la misma se exceptua
"el Ynjenio "San Rafael" por
"hallarse sugeto á un contrato
"especial de arrendamiento y
"pendiente de resolucion; cir-
"cunstancia que hará constar
"en el acta que al efecto se levante,
"y de la que remitirá un testimonio
"á este Centro para constancia."

Lo que traslado á V.
para su conocimiento y efectos
consiguientes.

Dios gue á V. m.s a.s

Habana, Setiembre 28 de 1878.

José del Campo.

Sr. D.n José Francisco Gutierrez

Transmitted in dispatch

Copy to Treasury
C.C. Duncan Oct. 23

rec'd Nov. 5

Sulwood

No 741. U.S. Consulate General
Havana, October 14th 1878.

Mr Hall, to the Department of State.



Arrears of wages due Frank Quinn.

In answer to instruction nº 443, of 7th October 1878, transmitting a copy of letter from Mr C.C. Duncan, U.S. Shipping Commissioner, New York City, asking for information in regard to the arrears of wages due Frank Quinn - seaman, deceased, late of the steamer Western Texas.

One inclosure.

No 741. — U.S. Consulate General.

Havana, October 14th 1878.

Hon F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

I have the honor to acknowledge the receipt of your instructions Nos 472 and 473; the latter dated the 7th instant, and accompanying a copy of a letter, dated the 3d instant, from Mr. C.C. Duncan. U.S. Shipping commissioner at New York, relative to certain arrears of pay in favor of Frank Quinn deceased, late of the steamer "Western Texas" which were deposited at this office in June last by the master of the vessel.

Mr Duncan wrote me also, on the 3d instant, asking for the same information, which he solicits through the Department. I have informed him that I have rendered an account to the Fifth Auditor of the Treasury of the money received from the master

of the steamer "Western Texas" for the account referred to. The amount deposited was $81.20 and not about One hundred dollars as stated by Mr Duncan.

I was informed that the effects of the deceased Quinn, consisted solely of worn and soiled clothing and as he died from yellow fever, I did not claim it for the reason that it might have contained contagion and in receiving and forwarding it to the United States, I might have assumed a grave responsibility. I will add that it is the practice of shipmasters in this port where seamen die of yellow fever to burn or throw overboard the clothing, bedding &c belonging to them.

I am Sir, very respectfully
Your Obedient Servant.

Henry C Hall
Consul General.

Inclosure.
1 Copies of letters as above. Oct 3d & 11th 1878.

Inclosure N°1

With Dispatch N°741.

Havana. Oct 14th 1878.

Copy

Office of the United States
Shipping Commissioner

New York, Oct 3d 1878.

" Received, Oct 11th "

" Answered, Oct 11th "

United States Consul General

Harana -

Sir:

The Widow of Frank Quinn a seaman on board Steam Ship "Western Texas" and who died in Hospital at Harana June 18th 1878 has requested my assistance in securing the balance

of wages due her husband at his death. Captain Trufs of the Steamer "Western Texas" writes that he paid the money to you.

Any information you may give in this matter will be thankfully received by

Respectfully

(signed) C C Duncan

U S S. Commissioner.

U.S. Consulate General

Havana, Oct 11th 1878.

C.C. Duncan Esq
Shipping
U.S. Commissioner

New York City

Sir:

In answer to your letter of the 8d instant I have to inform you that the wages amounting to ~~$~~ 81.20 due the seaman Frank Quinn late of the steamer Western Texas, which were deposited in this office at the time of his death, have been accounted for to the Fifth Auditor of the Treasury to whom the person duly authorized to receive the amount can apply.

I am

Sir, respectfully

Your Obedient Servant

(signed) Henry C. Hall

Consul General

Mr. Commissioner

Mr. Wood

Copy to Navy Dept. Oct. 30th

Ack-gd. Nov. 6

No. 742. — U.S. Consulate General
Havana, October 18th 1878.

Mr. Hall, to the
Department of State.

The Coolie Trade.

Acknowledging the receipt
of the Department's circular
of 23d September 1878. Report-
-ing an attempt to introduce
into Cuba from the British
West India Islands, coolies
whose contracts have expired.

No 742.— U.S. Consulate General
Havana, October 18th 1878.

Hon. F. W. Seward
Assistant Secretary of State.
Washington.

Sir:

I have the honor to acknowledge the receipt of the Circular, of the 23d ultimo, advising Consular officers that the Secretary of the Navy has informed the Department, that great facilities are offered, on the coast of China, for shipping coolies, and enjoining upon such officers extreme vigilance and that the facts of any infraction of the laws, by American vessels in regard to the coolie trade, shall be communicated as soon thereafter as practicable.

In regard to the importation into this Island of coolies direct from China,

in American vessels, I have no apprehension, but I consider it possible that an attempt may be made to bring here coolies of another class in American or other vessels. In this connexion I will now report an attempt which was recently made to introduce here a lot of coolies, British subjects, whose contracts had expired, from one of the British Islands.

About a month ago the British Consul General at this port, Mr Henry Augustus Cowper, received information from the Governor of Trinidad, that a certain Doctor Secchi, of Cuba, was visiting all the British Islands and seducing the free laborers to contract with him for service in Cuba; the Governor represented that the freedom of action, enjoyed

in

in the Colonies, prevented his
taking any legal steps to prevent
the laborers from entering into
the contracts; that he had done
all that persuasion could do,
but that Secchi, by flattering
promises, had succeeded in
inducing many to engage with
him and he begged the Consul
General to do all in his power
to protect them on arrival here
from the consequences of their
ignorance and folly.

Mr Cowper next heard
from the British Vice Consul,
at Santiago de Cuba, that
Secchi had arrived there in
a Spanish steamer bound
to Havana with forty (40)
coolies, all natives of Madras,
under contract for five years
at one shilling a day and that
he had engaged to bring from
Trinidad and Demarara, to
Cuba, ten thousand others a

year at the same rate, and finally that Secchi had sold three of the coolies in Santiago de Cuba for 200 dollars each.

Upon the arrival of the Spanish steamer at Havana, the Consul General sent on board to summon the coolies, as British subjects, to come to his office for registration, but they had already been smuggled on shore: it was even denied on board that any had come in the steamer.

With great difficulty the coolies were found in one of the back streets guarded by police whom Secchi had got placed over them: all communication with them was refused. Secchi, however, fearing perhaps the consequences of this step, went to the Consulate personally taking with him the contracts to show that the

coolies belonged to him. Mr Cowper examined the contracts which were drawn up in Spanish and in English, the Spanish version only being signed by the coolie; this was clearly a fraud inasmuch as the coolies had not the slightest knowledge of that language and upon comparison it was found that the two versions were not in accord; the Spanish version giving Secchi full power to assign and transfer the contract, while in the English version no such condition was mentioned: some of the contracts were for one year; these were signed by coolies who could read; the remaining contracts were for five years and marked by the coolies who could not read or understand their agreement. Mr Cowper decided to hold the contracts, refusing to surrender

them until all the coolies had
been brought before him.

Mr Cowper then presented
himself to the Governor General
and pointed out to him the
fraudulent character of these
contracts, for Secchi had not
only assured these people that
they were engaged for one year
only; that they were to work
only upon his coffee plantation -
a "Chateau d'Espagne" - but that
it was impossible to suppose,
that the British Government
would permit British Colonies
to be stripped to the extent of
ten thousand free laborers a
year and sent to a foreign
colony where slavery exists. ~~it~~ This
interview resulted in the coolies
being placed at the disposal of
the British Consulate General;
but, from that time, until
their departure, a series of annoyan-
-ces commenced: a very avvid

correspondence arose between the Consul and the Governor General, who appears to have been influenced by other parties besides Secchi. A civil action was brought by Secchi against the Coolies for breach of contract and after this had been met, two Government commissioners were sent to the Consul's residence, whither he had removed the coolies, to ascertain whether he was using pressure to prevent the coolies from fulfilling their contracts: A criminal action was brought against him by Secchi for stealing the clothing, furnished to the coolies, while the Government supported these proceedings, saying that Secchi was as much entitled to protection as the coolies: the Consul was even threatened with a withdrawal of his Exequatur.

The Consul was finally

able to send the deluded coolies back to Trinidad by the Royal mail steamer which sailed hence for St Thomas on the 8th instant.

I have also been informed that a telegraphic report of the case was made to the British Government upon the arrival of the coolies and that the Consul was instructed to do all in his power to protect them; it may be inferred, therefrom, that his action in the premises will be approved by his own Government.

I have the honor to be, Sir,

Very respectfully,

Your Obedient Servant

Henry C Hall

Consul General

Mr Hall

ackpd. Dec. 4th

No 743 — U.S. Consulate General
Havana, Oct 24th 1878.

DEPARTMENT OF S. NOV 1 1878 RECEIVED

Mr Hall to the
Department of State.

Case of Mr Francisco M de Acosta y Foster.

Transmitting a copy and translation of the protest of Mr Acosta's attorney against the action of the Court of First Instance of the District of Monserrate of this City and against an embargo upon the rents of other property belonging to him

One inclosure.

N° 743.— U. S. Consulate General
Havana, Oct 24th 1878.

Hon F. W. Seward
Assistant Secretary of State.
Washington

Sir:

Referring to my dispatches N° 629 of the 14th November 1877 and to Mr Williams N° 732 of the 7th ultimo, relating to the case of Mr Francisco Acosta y Foster, I now transmit, herewith, a copy and translation of a communi=cation, addressed to me by Mr. Acosta's attorney, in which he protests against the action of the Court of First Instance of the District of Monserrate of this city for what he styles the illegal action of the Court in condemning his constituent, without a hearing, to pay the costs of alterations made in his houses Nos 119 & 121 Lealtad

Street, and subsequently embargo=
=ing the rents of another house,
Nº 36 Escobar Street, for the
payment of the award and
costs of the suit.

The Department has
already been advised that Mr
Acosta inherits, from his father,
the property he owns in this
Island; Mr Acosta Senior
died in Nassau in 1870 while
the property was held under
embargo by the Spanish Govern=
=ment. In 1874 the property
was ordered to be restored to
the present owner who was,
at the time, a citizen of the
United States.

In 1871, while still
under embargo the Government
conceded two valuable houses
for the quarters of a volunteer
regiment of cavalry: the Colonel
of this regiment, the Marquis
of Aguas Claras, altered the

houses

houses into stables, completely ruining them as dwellings: at the same time, although the property had been ordered to be restored, he refused to surrender the houses and did retain possession of them until 1877 paying, in the meanwhile, no rent. It is hardly to be supposed that the persistence of the Colonel, in keeping possession of the houses for near three years after the Government, of which he was a subordinate, had ordered their restoration, would have been effectual had he not had the support and countenance of the Government itself.

Immediately after turning over the houses, in their ruined condition, the said Colonel commenced a suit against the owner, Mr Acosta, who resides in

the United States, claiming
the expenses he alleges he
has incurred, in altering
the houses from valuable
residences for families to
stables, and a judge has
been found who awards
him ten thousand dollars
and upwards for these expenses.
Against this decision Mr.
Acosta's attorney protested,
on the 5 September ultimo,
a copy of which was
remitted with Mr Williams
dispatch N° 732. The same
Court, it appears, has now
attached the rents of another
house, Escobar N° 36, belonging
to Mr. Acosta, for the payment
of the award and the costs:
it does not attach those of the
two houses, formerly occupied
by the Cavalry regiment upon
which the so called improvements
were made, because they are

not rented nor are they rentable in the condition they were surrendered.

I have transmitted a copy of the accompanying protest to the Governor General and have requested him, if in his power, to have the embargo, of which Mr Acosta's attorney complains, removed.

I have the honor to be Sir,

very respectfully,
Your Obedient Servant.

Henry C Hall
Consul General.

Inclosure-
1- Mr Carricaburu to Mr Hall October 9th 1878.

Inclosure N°1.
With Dispatch N°743.
Havana, Oct: 24th 1878.

Havana Oct. 9th 1878.

To the Consul General of the
United States -
Havana

Sir:

The undersigned as the representative of Don Francisco Mateo de Acosta y Foster, a citizen of the United States, is obliged to apply to you for aid, and protection of the interests of his constituent, which, although acknowledged and ordered to be respected by the Superior Government of this Island, have encountered, nevertheless obstacles in the way by the act of a subordinate, the Marquis of Aguas Claras, Colonel of the

Volunteer Cavalry Regiment of
this City, who has determined
to extort from my constituent
Mr Acosta y Foster, over ten
thousand dollars for improve=
=ments(?) which he alleges he made
upon two houses belonging to
my constituent, situated in
Sealtad Street Nº 119 and
121 corner to San Rafael, 5
which, of his own authority he
converted into stables for his
regiment making the alterations
without authorization of the
Government, which alone
allowed him to use the two
houses referred to, for the
offices of his corps, and this
gratuitously and without
any rent whatever; altera=
=tions which he undertook to
the prejudice of the said property,
without the consent of the owner,
without estimates or bids of any
kind whatever, as he did every

thing unknown to the Government, and obeying only his own wishes.

I however must lay before you the following antecedents.

My constituents father died at Nassau on the 10th of January 1870 and on the 15th of December 1874 the Govern=ment of this Island issued an order to deliver up the property of the American citizen, Acosta y Foster, as the sole heir of Acosta, Senior, in accord=ance with the "Law relating to foreigners", and according to data received from the Spanish Consul in New York, in which it is stated that Mr Acosta had taken no part in the insurrection of the Island - In January 1871 the said Coronel of Cavalry requested of the Government the aforesaid two houses in order to locate in them -

the offices of his regiment and the Government granted them to him for that use without any recompense whatever.-

It must be borne in mind that from January 1870, the property belonged to the American citizen my constituent, as the sole universal heir of his late father, and acknowledged as such heir by the Courts of this Island, in the probate proceedings, which he carried through the Monserrate District Court.

Until a short time ago the Colonel, resisted the delivery of the said houses, and it has been necessary to have the Government's repeated orders, in order to make him quit the premises, basing his refusal upon the right he alleges he held to recover the value of the stables he had built for the

service

service of his regiment (without authority from the Government or the owner of the property) — Whilst he resisted the delivery of the property, Mr Acosta y Foster took steps to lay his — claims before the Government in due form, which are being duly substantiated, and the Colonel has also applied to the Monserrate District Court, — suing Mr. Francisco M de Acosta y Foster for the payment of over $10.000.— which he alleges was the cost of the stables he made for his troops, in a house — belonging to another, of a foreigner, and without any one having — authorized him to make them, and without his even paying rent for the houses he occupied, a claim which has been substantiated by default, of Acosta y Foster, a resident abroad, and without having summoned or

cited him, and in which the
Judge notwithstanding the
protests presented and filed
in the proceedings by the under=
=signed, has given sentence,
condemning Acosta y Foster
to pay for the work done and
the costs of the suit, in which
he has been cast, and as the
heighth of injustice, an order
of embargo has been issued for
that payment upon the rents
of the house Escobar street n°
36 - also the property of Acosta
y Foster, my constituent.

Under such circumstances
no other means is left to the
undersigned, but to apply to
you, in order to protest against
the injustice of which a citizen
of your nation is the victim,
and that your voice may be
raised before the Superior Author=
=ities, in order to apply a remedy
to the damages, and losses, which

are without right or reason —
being imposed upon a foreigner,
and that the sentence pronounced
against him by default, shall
not be held valid, but null
and of no value whatever, as
having been dictated without
hearing nor personal summons
of the foreigner against whom
it is given, as in accordance
with Article 1197 of the Civil
Code, the defendant in any suit
before the Spanish Courts, shall
be summoned and cited to
appear, although in a foreign
country, and in such a case
by the Representative of Spain,
at the place where the defend-
=ant may be found —

I therefore duly —
protest, as many times as —
legally necessary, against such
arbitrariness opposed to the Law
relating to foreigners, in order
that you shall when occasion

requires, certify to my protest
and action in the premises
without prejudice of commu=
=nicating the same to the party
concerned that he may use
his right and seek protection
from his Government, in the
unexpected event that the
Superior Authority of this
Island, with exalted and just
discretion shall not put an
end to the illegal pretension
of the Marquis of Aguas Claras,
and asking for the proceedings,
shall see the complete absence
of right in said individual
to claim, not alone by what
is already set forth, but that
he therein confesses that he
and his officers through patriot=
=ism made the expenses which
he now claims in his private
capacity shall be paid him
without holding the authority
of the persons who gave the

money

money—; that when money is
given through patriotism, it is
not to have a right to convert
two houses into stables, not to
pay rent, and afterwards to
collect for buildings put up
for his own use, without
authority of the Government,
which, although it gratuitously
allowed him the use of the
two houses, did not intend—
that he should convert them
into a cavalry barracks, and
it was his bounded duty to—
return them in the same
state as he received them, but
for habitation and not so changed
as to be entirely unrentable to
the owner.

I therefore protest
before you as the person called
to defend the right of an absent
American citizen, requesting
that the embargo against
the rents ordered by the Judge

shall be raised, and that you
may apply wherever you
shall deem it most convenient.

Very respectfully
Your Obedient Servant,
Alfredo Carricaburu.

Copy

Habana, Octubre 9 de 1878.

Sõr Cónsul General
de los Estados Unidos.

Sõr:

El que suscribe, á
nombre de Dn Francisco Mateo
Acosta y Foster, ciudadano
americano, se vé en la necesi=
=dad de ocurrir á VE en busca
de amparo y defensa por los
intereses del ciudadano de su
nacion, que aunque, reconocidos
y mandados á respetar por
el Gobierno superior de esta Isla,

ha tropezado sin embargo, con
la voluntad de un subordinado
el Exmo Sôr Marques de Aguas
Claras, coronel del regimiento
de voluntarios de caballeria de
esta ciudad, que se ha propuesto
sacar de mi poderdante el Sôr
Acosta y Foster diez mil y mas
pesos como mejoras que dice
hizo en dos casas de su propie=
=dad situadas en la calle de la
Lealtad Nº 119 y 121 esquina
á San Rafael que de propia
autoridad convirtió en caballe=
=rizas para su regimiento, &,
haciendo las obras sin autori=
=zacion del Gobierno, que solo
le permitió usar dichas dos
casas para el uso de las
oficinas del cuerpo y esto
gratuitamente y sin ninguna
clase de alquiler; obras que
en perjuicio de esas propieda=
=des emprendió sin consenti=
=miento del dueño sin presupuesto

ni

ni licitacion como que todo lo ejecutaba á espaldas del Gobierno y solo por su voluntad. Preciso es poner á VE en antecedentes.

El Sor Padre de mi poderdante falleció en Nassau en 10 de Enero de 1870, y en 15 de Diciembre de 1874 el Gobierno de esta Isla mandó entregar los bienes del ciudadano americano, como único heredero del Sor Acosta, padre, con arreglo á la ley de estrangeria y segun datos mandados por el Sr. Cónsul de España en Nueva York en que declaraba que el Sor de Acosta no había intervenido en los acontecimientos de la Isla. En Enero de 1871 el citado Coronel de Caballeria solicitó del Gobierno las dos casas para colocar en ellas las oficinas de su regimiento y el Gobierno se las concedió para ese uso sin pagar retribucion alguna por ellas.

Es

Es de tener presente que desde
Enero de 1870 ya las propiedades
pertenecian al ciudadano
Americano, mi representado,
como único y universal heredero
de su Sr Padre y reconocido
como dicho heredero por los
Tribunales de esta Isla en la
testamentaria que corrió al
efecto, en el Juzgado del
Distrito del Monserrate.

Hasta hace poco el
Sor Coronel se resistió á la
entrega de dichas casas y han
sido necesarias reiteradas órdenes
del Gobierno para que desalojara
esas propiedades, resistiendose
para ello, en el derecho que
dice le asiste para cobrar el
valor de las caballerizas que
construyó para el servicio de
su regimiento (sin autorizacion
del Gobierno ni de su dueño)
Mientras resistia la entrega
ha dado lugar á que Acosta

y Foster estableciera reclamacion
-es en forma, ante su Gobierno, las
que se están sustanciando y á su
vez el Señor Coronel ocurrió
ante el Sor Juez de Monserrate
demandando á Dn Francisco
M de Acosta y Foster para que
le pagara diez mil y pico de
pesos que dice le costaron las
caballerizas que hizo para su
tropa, en una casa agena,
de un ciudadano estrangero,
sin que nadie le autorizara
para hacerlo y sin pagar
el alquiler de las casas que
ocupaba, reclamacion que
se ha sustanciado en rebeldia
de Acosta y Foster residente en
el Estrangero y sin haberse le
citado ni emplazado y en que
dicho Juez, sin embargo de las
protestas que dejó consignado
en los autos el que suscribe,
ha fallado, condenando á Acosta
y Foster á que pague las obras

hechos y las costas del juicio
en que ha recaido y para colmo
de injusticia se ha dictado órden
de embargo para su pago, sobre los
alquileres de la casa calle de Ecobar
Nº 36 tambien de la propiedad de
Acosta y Foster.

En tal situacion no
queda al que habla otro recurso
que ocurrir á V.S. para protestar
contra las injusticias de que es
victima un ciudadano de su
Nacion y que su voz se eleve ante
la Superior Autoridad, para que
ponga remedio á los daños y
menoscabos que se estan, sin
razon, sin derecho, infiriendo
contra un estrangero, sin que
esa sentencia dada en su
rebeldia pueda ser valida y sí
nula y sin ningun valor, por
haberse dictado sin audiencia
ni citacion personal del
estrangero contra quien se dicta
pues con arreglo al articulo 1197,

del Codigo Civil aun en el estran-
-gero debe ser citado y emplazado
personalmente el demandado
en los Tribunales Españoles y
este por conducto del Represen
=tante de España en que se
encuentra el demandado.

Protesto pues cuantas
veces legal sea, contra semejantes
arbitrariedades opuestas á la
ley de estrangeria para que
V.S. certifique en su dia mi
gestion y protesta sin perjuicio
de comunicarlo al interesado
para que use de su derecho y
busque amparo en su Gobierno,
en el inesperado evento que la
Superior Autoridad de esta
Isla con su levantado y juste
=ciero criterio, no ponga fin á
esa ilegal pretencion del Exmo
Sor Marques de Aguas Claras y
pidiendo los autos á su vista, verá
su falta completa de dicho Sor
para reclamar no solo por lo

ya

ya
^ espuesto, sino que allí confiesa
que sus oficiales y por el patrio-
=tismo hicieron el gasto que ahora
en su particular reclama, que
se le pague, sin tener el poder
de los Señores que dieron el
dinero; que cuando por patrio
tismo se da, no es para tener
un titulo para convertir dos
casas en caballerizas, no pagar
alquiler y despues pretender
el abono de unas obras que por
su utilidad hizo, sin autorizacion
del Gobierno, que si gratuitamente
le permitió el úso de las casas
no fue para que las convirtiera
en un cuartel de caballeria,
siendo de su ineludible obli-
=gacion devolverlas tal cual
las recibió como casa habita
=cion y no trasformada de un
modo inalquilable para su
dueño.

Protesto pues ante V.S.
como el llamado á defender

los derechos de un ciudadano
americano y ausente pidiendo
se me levante el embargo de los
algodones mandado á poner
por el Señor Juez y para que
acuda á donde crea mas
conveniente.

Soy de V.S. atto ss. QBSM

Alfredo Carricaburu.

Criminal
to extradition

Mr Wood

Ack. rd. Nov. 8

Instructions to Philda. Abf. of Police, 74 Nov. 6.

No 474. — U.S. Consulate General.

Habana, Oct 26th 1878.

DEPARTMENT OF ST
NOV
1878
RECEIVED

Mr Hall to the

Department of State.

Acknowledging the receipt of Instructions Nos 474 and 475 of the 14th and 17th instant.

N° 744. — U.S. Consulate General

Havana, Octr 26th 1878.

Hon F. W. Seward

Assistant Secretary of State.

Washington

Sir:

I have the honor to acknowledge the receipt of your instruction N° 474 of the 14th instant, relating to a homicide alleged to have been committed by a Cuban in Philadelphia. The subject was brought to the notice of the Governor General, on the 24th ultimo, upon advise which I received from the Chief of Police, at that place, that the

alleged murderer was
supposed to have embarked
for this port in the
Schooner "S. N. Newman".

I am also in receipt of
another letter, dated the 8th
instant, from the chief of
police, containing the same
facts which he has communi-
-cated to the Department and
I have also transmitted them
to the Governor General.

The Departments instructions
in the premises will receive due attent-
-ion. I beg however to express my doubts
whether the alleged murderer will
venture to come to this place where, I think
he could hardly fail of detection

I am Sir, very respectfully
Your Obedient Servant
Henry Chas

Acknd. 4th
See 4th

No 746. U.S. Consulate General
Havana, Oct 26th 1878.

DEPARTMENT OF STATE
NOV 1 1878
RECEIVED

Mr Hall, to the
Department of State.

Case of Santiago Romero y Casanova.

Acknowledging the receipt of instruction No 475 of the 17th instant relating to the above case.

Nº 745 — U. S. Consulate General.
Havana, October 26th 1878.

Hon F. W. Seward.
Assistant Secretary of State.
Washington.

Sir:

I have the honor to acknowledge the receipt, yesterday, of your instruction Nº 475 of the 17th instant relating to the case of Santiago Romero y Casanova who, in his petition to the President, claims that he has been unjustly condemned to twenty five months imprisonment, by the Audiencia of Havana, for complicity in a commercial fraud committed in this place by means of forged cheques. As soon as I can prepare it I will forward the Department a report of the case.

In October 1877 Romero addressed me a long letter, from the prison, giving his version

of the motives for his imprison-
=ment; he stated therein, that
he was fearful he might be
assassinated and wished me to
be made aware of the fact; he
stated, also, that he had great
confidence in the rectitude of
the Judge before whom his
trial was progressing: he
did not ask for my inter-
vention: notwithstanding, I
sent a message back by the
bearer of the letter that if his
lawyer would suggest any way
in which I could properly assist
him I would willingly do so.
On the 10th December, he again
wrote me asking for his pass-
=port, which had been left in
the Consulate, stating that his
lawyer required it to accompany
his defense: in my next I will
forward copies and translations
of those letters: the foregoing
are the only letters or messages

I

I ever received, directly or indi-
-rectly, from Romero.

The first letter, above referred to, induced me to make inquiry into his case and I learned that there was no doubt of his being associated with the swindlers, who had committed or had attempted a stupendous fraud upon the Spanish Bank; having agreed to carry two of them to Key West and for which service he was to receive, I was informed, the sum of five thousand dollars: this sum the parties were at the moment unable to pay in full, and it was agreed that the principal, a merchant named Vivó, should give Romero an ante-
-dated promissory note for the larger part of the amount, representing that the consider
-ation, for which the same was given, arose from money held

in deposit by Vivó. After render-
-ing the service the parties either could not or were unwilling to comply with their arrangement with Romero: he returned from Key West and here continued to demand payment of the note threatening to denounce the whole affair to the police, as he finally did, and so managed his own statement of the case that he fully criminated himself. This was the version I heard a year ago and it was yesterday corroborated by a friend of Romero, a Spaniard, with whom he has had business transactions and who could have no motive or interest in stating anything but the facts.

I am Sir, very respectfully
Your Obedient Servant.

Henry C Hall
Consul General.

Mr O'connor
&
Mulwood

DEPARTMENT OF STATE
NOV 7 1878
RECEIVED

Acknd. the Dec. 4th

No 746 U.S. Consulate General
Havana, Oct 30th 1878.

Mr Hall, to the
Department of State.

Case of Santiago Romero y Casanova.

In answer to instruction,
No 475 - of the 17th October 1878,
and accompanying copies
of letters from Romero —
addressed to this Consulate
General and other papers
relating to the above case.

Inclosures.

...

N°746. U. S. Consulate General.

Havana, October 30th 1876.

Hon: F. W. Seward.

Assistant Secretary of State,

Washington.

Sir:

Referring to your instruction, N° 475 of the 17th, and to my dispatch N°745 of the 26th instant, relating to the case of Santiago Romero y Casanova, I now transmit, herewith, copies and translations of the letters, dated Octr 29th and Decr 10th 1875, addressed to me by Romero, to which I respectfully ask your attention as they show in what way his case was first brought to my notice. 1/2

Romero was registered in this Consulate, on the 20th September 1876, upon passport N° 50,925 dated the 4th of that month. issued by the Department: the

passport was visaed by the
Spanish Consul at Key West
the 20th of the same month.
He appears to have remained
here until the 20th January 1877,
when he returned to Key West,
where he purchased an interest
in the fishing smack "George
Storrs" - of which vessel he was
master until August 1877,
when he returned to Havana,
upon the same passport,
arriving here the 25th of that
month - In my interview with
him, he stated that he is a
native of the Canary Islands,
41 years of age and is married:
that he came to Cuba about
the year 1858 - was for five
years in the Spanish Navy,
say until 1859, after that
he was for nine or ten years
employed in Spanish coasting
vessels: since then he has been
employed in the fishing
smacks

smacks running between Havana and Key West. He does not remember in what year he declared his intentions to become a citizen of the United States: he took out his certificate of naturalization four years ago. Since then he has been the master of two smacks, one called the "Sea Bird" and the other the "George Storrs" in which latter vessel he made three trips to Havana and then sold out for reasons set forth in his annexed letter of the 29th October 1877. During the time he was employed in the smacks he appears to have alternated his resi= =dence between Key West and Havana, being about as much at home in one place as in the other; and, although he states that he has been for some ten years employed

1/

in American vessels and has sailed as master in two, he is entirely unacquainted with the English language.

Since writing my dispatch, N° 745, I have seen Romero, his lawyer and the prothonotary of the Court having charge of the records of the trial of the persons, implicated in the frauds upon the Spanish Bank, one of whom is Romero.

I here desire to say in regard to Romero's assertion, that I neither visited him nor took any action in his behalf, that he never asked ~~for~~ any such action from me. As I stated in my N° 745, I sent him a message, by the bearer of his letter of the 29th October, that if his lawyer would suggest any way in which I could properly assist him

I would willingly do so; this was before I had made any inquiries into the case, but having been told, by the messenger, that Romero had employed a lawyer, I supposed the latter to be the proper person to suggest any particular action, on my part, if required. The lawyer tells me that at no stage of the proceedings would any interposition, on my part, have been proper or admissible, and that Romero was as well aware of this fact as he, the lawyer, was.

Romero in his letter of 29th October 1874, reports an attempted assassination of himself, by the persons with whom he was charged with being implicated, with the view of getting from him a certain promissory note

for $4500.- hereinafter described, given by José Viró and Francisco Viro, the latter being the surety for its' payment: this statement, which he had previously made to the Chief of Police, was, during the trial, proved to be pure invention. His fears of assassination in prison were equally unfounded. I will further add that no one who knows Romero, not even his lawyer, believes either one or the other statement.

He represents that the note for $4,500— was given him by José Viró, in January 1877, on account of money left in deposit: a copy of this note is hereto annexed and I beg to call your attention to its' conditions. The money, it is alleged, was deposited in January and was to be returned in monthly installments without

3/

without interest: the first
installment to be paid on
the 15th October following, nine
months after date: it appears
to have been shown, during
the trial, that Romero had
attempted to blackmail Vivó
to the extent of six thousand
dollars, demanded as the
condition of silence, in regard
to Vivó's secret which Romero
had obtained from the
passenger he carried to Key
West in his vessel, the "George
Storrs", in the previous month
of August. Romero's pretensions,
it seems, were compromised by
the payment of $500. in gold, and
the above note. It appeared also,
in the trial, that the note in
question was drawn up in the
month of September and not
in January as Romero alleges.

In regard to the passen-
-ger, mentioned in Romero's letter,

and who had a passport
in favor of Juan de Torres y Alvarez,
Romero states that he did
not know his real name
until the indiridual, himself,
informed him that it was
Miguel Busquet: this
statement is contradicted in
the evidence given before the
court, from which it appears
that they were well acquainted
with each other.

Other particulars in
regard to this case will be
found in the accompanying
4/ brief, which has been furnished
me by the prothonotary who
has charge of the judicial pro-
-ceedings, and to which I would
also call your attention.

Romero's lawyer
informs me that the case
has <u>not</u> been carried up for
revision to the Supreme
Tribunal of Madrid, and that

all the persons implicated, except one, are now undergoing sentences of two, four and five years. He says, however, that there are some circumstances connected with this case which, in his opinion, would warrant an application for Romero's pardon. these he has promised to furnish me as soon as he can look over the proceedings of the trial and from them make a report.

I have the honor to be, Sir,

very respectfully
Your Obedient Servant
Henry C Hall
Consul General

Inclosures
1- Santiago Romero to Mr Hall Oct 29 1877.
2- same " same Dec 10 "
3. Copy of a promissory note for $4500. - given to Romero by José & Francisco Viró
4th Abstract of the trial of Romero

furnished by the prothonotary
of the Court.

Inclosure Nº 1.
With Dispatch Nº 746.
Havana, Oct 30th 1878.

Royal Prison Havana
October 29th 1877.

To the Consul General of the
United States of North America
Present.

My respectable chief
Santiago Romero, ~
American citizen desires to
manifest to you the motives of
his imprisonment.

During the last
third of last year I ceased
to be master of the American
Schooner 'Sea Bird' and I
moved afterwards to this ~
capital to await the purchase
of another vessel. I arrived
here in the month of January
of the current year and the
purchase of another schooner,
smack, called the George Storrs

was offered me, and I had to go to Key West to take charge of her about the end of that month. I left as a deposit, four thousand five hundred dollars in gold, which I had over, in possession of the merchant José Vivó of this capital, with a promissory note which he gave me.

I continued in the command of that vessel as you know up to the month of September ultimo; in which last voyage among others a man presented himself to me who asked me if I would carry a passenger to the Key (Key West), to which I answered that if he had his passport in order I had no objection in carrying him as I had others. The day before my departure, at night, he brought me the passport in the name

of José de Torres y Alvarez; the numbers of the said passport is to be found in the list of passengers which I presented to the Police, Inspector of vessels.

Upon arrival at the "Key" the passenger Torres y Alvarez mentioned, stated, to me that those were not his true name and surnames; that his name was Miguel Busquet and that he was going to the United States, fleeing in conse-quence of a bad business which he and José Viró and several others, whom he named, had made with the Spanish Bank of Havana.

In thinking in what hands I had my money de-posited, I arranged to come to this Capital immediately and claim of Viro my deposit of $4500— gold to which effect I transferred the title

of my vessel to Messrs Fogarty & Johnson merchants of the "Key" and I embarked in the first steamer which sailed for this place and at once met with the said Viró in his office Tejadillo street Nº 7.

I told him that in view of what I knew about him through Mr Busquet, I begged that he would deliver me the money which he had on deposit as I was in great need of it.— to which he answered that he had 28 negroes up for sale and that within four or five days he would deliver me the money: the day before the last expired he sent to my house the person who had spoken to me about taking the passenger to the "Key" and he told me in behalf of Viro that I should await for him

at

at the pistol gallery of Jacon
at 7 oclock in the evening for
the purpose of receiving £4500.-
I went and a little before eight
of the same evening Mr Viro
appeared and made signs
with his head that I should
follow him: I got up from
where I was sitting and followed
him along the "paseo" which leads
to the "Punta": while we were walk-
-ing along he went on telling me
that it had been impossible for
him to return me money —
because he could not effect the
sale of the negroes and giving
me another postponement, for
the middle of the following week:
(I believed, Sir, that in taking
me to that place he had no
other object as I will explain
further along) I acceded to
it and went conformably to
my house: on the following
day, the bearer of the previous

message, Don Carlos Zubizar-
reta sent for me to go to see him
at his house Nº 150 calle San
Miguel, with his nephew in
law who always accompanied
him. I arrived at his
dwelling and he told me that
I should not trouble Vivo much;
that he would be responsible
that he Vivo complied punc-
tually; I answered him that
I was willing not to molest
him provided he would
comply with me and I went
tranquil to my house.

The next day this
gentleman sent his nephew
again to my house with a
letter in which he asked me
a question, but a very indis-
creet one, respecting Masonry
of the rite of "York" and I
answered him, in writing, what
I considered most convenient
and the bearer went away,

examining before hand the entrances
and exits of my house, for I live
in the rear of a garden having
several entrances: two days —
passed. the last of these (it was
Monday) at 3 P.M., after passing
through the said garden, two
unknown men and of very bad
aspect came to the door of my
house: they asked me if I
was Don Santiago Romero
and answering them affirm
-atively and not without surprise,
they told me that they had
to speak to me upon a grave
and important subject; I
led them to the garden and
they manifested to me that in
the street San Miguel, a
gentleman had offered them
twelve ounces - 204 dollars -
douceur with the object that
they should assassinate me
and take from me a promis
sory note which he knew I

always carried with me in my pocket book, and if I would lend myself to what they were about to propose, in order to assure me of the truth, they would earn their 12 ounces, I would save my life, binding myself to serve them: that a boy would come and witness the assa= sination so that they could receive the money promised.

At once I understood who were the persons that intended to kill me: I asked the would be assassins in what way I could please them and they told me that from 7.30 to 8 at night I should await them at the corner of a street near my house: that they would come with the said boy: that they would come behind me and would throw them= =selves upon me and make

it

it seem as if they assassinated me, to which and I should give out some cries and once that I had fallen to the ground, the boy would be convinced of my death and they, in the act, would collect the stipulated money.

I promised the said individuals to do what they said, with the object of becoming acquainted with so great an infamy: and full of the greatest indignation, I was convinced that all that was told me was true; but I had looked upo three friends who knew the boy that brought me the letter from Zubizarreta and being informed by me of all that passed I told them to remain hidden at a distance so that they could witness the affair and would recognize the boy who served as the tool of my enemies

and after all had become
acquainted with the plot, the
boy and the supposed assassins
retired. I remaining waiting
for them in the corner grocery,
as was agreed upon, and at
the expiration of some moments
they appeared in the said
grocery and showed me the
12 ounces they had been
presented with. In the act
we had some <u>beer</u> and they
departed.

On the next day I
presented myself to Mr Piro to
whom I made known the
occurrence and I said to him,
showing him the promissory
note, — "I come here to bring
"you the paper you so much
"desire, with the understanding
"that if you do not deliver me
"today my money - this same
"day I will deliver you to the
"police; he told me that at

three in the afternoon, without fail, he would pay me: I waited until four and seeing that he said nothing to me I told him that the last hour of grace had expired: then he answered that he would not pay me, and at once I deter=
=mined to conduct him before the Chief of Police with the assistance of a couple of police
=men, fearing that me might escape me.

Once in the presence of the Chief I made known to him all that had occurred which is the present report that I make to you; the chief referred to at once issued an order of imprisonment against Zubizarreta and his nephew in law who could not be found because he had hidden or fled.

A few days after

this event - on the 19th of this month - I was summoned at my house to present myself, by order of the Judge of the Cathedral district, the next day in the Court, with the object of giving my deposition: I went punctually and on the 25th of the same month I was arrested and taken to prison by a Celador in consequence of a wound, which I have no recollection of having caused anybody, and with this motive I am at the disposal of the Commandant of Marine. The day following my arrest I was notified of another order of imprison=ment, from the Judge of the Cathedral district, as an abettor of the forgers of the cheques upon the Spanish Bank.

Jose Viro and Carlos Zubizarreta.

Zubizarreta, both prisoners
in this prison, are the promoters
of my imprisonment for wounds
and of that ordered by the
Judge of the Cathedral district,
as they have believed that by
arresting me they would
frighten me by terror and
threats and obtain that I
should retract from my true
accusation, as after my
imprisonment, it was publicly
known in the prison that I
would come as prisoner: this
I have learned since I have
been here and thus it was
that when I arrived at the
'Hall of distinction' (a select part
of the prison all eyes were fixed
upon my person as something
strange - and even more I
have learned (notwithstanding
that I cannot prove it, but
I desire that you should
know it.) that Viro and —

Zubizarreta have created such
an atmosphere against me
that I fear that with bribes
they may seduce some unfor=
=tunate and attempt against
my life: they are not wanting
in valor to order it, and the
best proof of it they have given
in the street. You will
understand that criminal
men who commit paid for
crimes are never wanting and
with more reason, as in this
prison there is frightful desti=
=tution.

Notwithstanding I
have much faith in the worthy
just Judge, a very upright
functionary and who will
not consent to infamous doings:
but if Viso y Zubizarreta intend
to assassinate me they will
do it without the kind hearted
judge being able to avoid it.
because it is not possible for

them to watch me day and night. When the galleries are opened, in the midst of so many prisoners, it is very easy to give one a stab and to kill him, and for this purpose you will understand that I need your authority that justice be done me in this question between the weak and the rich. Mr Viso is related with persons of position and although I have right on my side I fear that, as always, it may happen.

I conclude, and beg that you will pardon the molestations of this long letter and with this motive, I subscribe myself, respectfully

Your obedient Servant.

Santiago Romero.

(over)

Copy

Rec'd October 30th 1877

Real cárcel

Habana y Octubre 29 de 1877.

Señor Cónsul Gral de los Estados Unidos del Norte America.

Presente.

Mi respetable Gefe:

Santiago Romero, ciu=dadano americano, preso en esta Real Cárcel, desea mani=festar á VS. los motivos de su prision.

El último tercio del año pasado dejé de capitanear la goleta americana "Sea Bird" y me trasladé despues á esta capital á esperar la compra de otro bugue: llegó el més de Enero del corriente año y se me presentó la compra de otra goleta-vivero, denominada "George Stoors" y como tuve que ir á Cayo-Hueso para hacerme cargo de ella, a fines del mismo

més

mes, dejé en clase de depósito
cuatro mil quinientos pesos
en oro que me sobraban en
poder del comerciante Dn
José Vivó vecino de esta capital
con un pagaré que me hizo
dicho Señor. — Seguí mandando
el mencionado bugue, como á
V.S. le consta hasta el mes de
Setiembre procsimo pasado,
en cuyo último viajé, se me
presentó entre otros, un
hombre, que me preguntó
si yo quería llevar á un
pasagero para el Cayo; al
cual le contesté, que siempre
que tuviera su pasaporte
en regla no tenía inconveniente
en llevarlo, como hacia con
otros. — El día antes de la
salida por la noche me
trajo el pasaporte con el nombre
de Don Juan Torres y Alvarez;
cuyo número del referido pasa-
=porte se encuentra en la lista

de pasajeros que presentó al
Ynspector del Registro de bugues.
Al llegar al Cayo;
el mencionado pasajero Torres
y Alvarez; me manifestó que
no era ese su verdadero nombre
y apellidos: que se llamaba D
Miguel Busquet y que iba
para los Estados Unidos,
huyendo por consecuencia de
un mal negocio que habian
hecho con el Banco Español
de la Habana, Dr José Viró,
él y otros varios que me
nombró. Al pensar en
que manos tenía mi dinero
depositado, traté de venir inme=
=diatamente á esta capital y
reclamar al Sor Viró mi
depósito de $4500.- oro para
cuyo efecto traspase la escri=
=tura del bugue á los Sres
Fogarty y Johnson comercian
=tes del Cayo y me embarque
en el primer vapor que salió

para esta: y de momento
me aristé con dicho Viró en
su escritorio de la calle de
Tejadillo nº 7. — Le dije
que en vista de lo que de él
sabia por el Sor Busquet, le
suplicaba me entregase el
dinero que en deposito me
tenia porque me hacia mucha
falta, á lo que me contestó
que tenia 28 negros en renta
y que dentro de cuatro ó cinco
días me entregaria el dinero.
- Paso el término y me dió
otro plazo: el dia antes de
cumplirse el último mandó
á mi casa á el Señor que
me habia hablado para llevar
el pasagero al Cayo, y me
dijo de parte del Sor Viró que
le esperase á las siete de la
noche en el tiro de pistola
de Jacon á fin de entregarme
los $4500.-: fuí en efecto y
poco antes de las ocho de la

misma, se apareció el Sor
Viró y me hizo señas con la
cabeza para que le siguiera:
me levanté de donde estaba
sentado y le seguí por el
paseo que conduce á la Punta;
mientras caminabamos me
iba diciendo, que le habia
sido imposible devolverme
mi dinero porque no pudo
realizar la venta de los negros,
y dandome otro plazo para
mediado de la siguiente semana.
(yo creo Señor que el llevarme
por ese punto no tenia buen
fin, por lo que mas abajo
espondré.) accedí á ello, y me
fuí conforme á mi casa:
al siguiente dia me mando
á buscar el portador del
mensaje anterior, Dn Carlos
Zubizarreta para que lo viera
en su casa de la calle de
San Miguel Nº 150, con un
sobrino politico que siempre

lo

lo acompañaba. Llegue á su morada y me dijo que no hostigara mucho á Viró, que el me respondia, que me cumpliria puntualmente, yo le respondí que estaba conforme en no molestarlo siempre que cumpliera — conmigo, y tranquilo me fuí para mi casa.

Al siguiente dia, este Señor, mando otra vez á su sobrino á mi casa con una carta en la cual me hacia una pregunta: pero muy indiscreta sobre la Masoneria del rito de "York" y le contesté lo que creí mas conveniente — por escrito y se fue el portador, inspeccionando antes las — entradas y salidas de mi — habitacion, pues vivo en el fondo de jardin con varias entradas: pasaron dos dias, el último de estos, (era Lunes) á las tres de

la tarde, despues de haber=
pasado por el mencionado
jardin. llegaron á las puertas
de mi casa dos hombres desco=
=nocidos y de mal aspecto: pre=
=guntaron si yo era Dn Santiago
Romero, al contestarles afirma=
=tivamente, y no sin sorpresa
me dijeron que tenian que
hablarme de un asunto grave
é importante: les conduje al
jardin y me manifestaron
que en la calle de San
Miguel, les habia ofrecido
un caballero doce onzas de
gratificacion, con objeto de que
me asesinaran y quitasen un
pagaré que sabia llevaba en
la cartera siempre consigo, y
si yo queria prestarme á lo que
ellos me iban á proponer, para
cerciorarme de la verdad; ellos
ganarian las 12 onzas y yo
salvaria mi vida prestandome
á servirles; pues habia de reu=

un muchacho a presenciar
el asesinato para que ellos
recibieran el dinero prometido.
De momento me figuré quienes
eran los individuos que trataban
de matarome: les pregunté
á los supuestos asesinos de
que manera podia yo com-
=placerlos y me dijeron que
de 7 1/2 á ocho de la noche
los esperara en una esquina
de calle cerca de mi casa, que
ellos habian de venir con el
mencionado muchacho: que
vendrian por detras de mi,
y harian el aparato de tirarse-
=me encima, y hacer que me
asesinaban para lo cual yo
daria algunos quejidos, y una
vez caido en el suelo, se comen
=ceria el muchacho de mi
muerte y ellos en el acto
cobrarian el dinero estipulado.
Prometí á dichos sugetos hacer
lo que me decian, con objeto.

de conocer tan grande infamia,
y lleno de la mayor indigna
=cion me convencí de que era
cierto todo cuanto se me dijo;
pero habia yo buscado tres
amigos que conocian al —
muchacho que me trajo la
carta de Zubizarreta y ente-
=rados por mi de todo lo que
me pasaba les dije que —
estuvieran á una distancia
ocultos á fin de que presen-
=ciaran el suceso y reconocieran
al muchacho que serviá de
instrumento á mis enemigos,
y despues que todos se ente-
=raron del plan, el muchacho
y los supuestos matadores
se retiraron: quedando yo
esperandolos en la bodega
de la esquina por haberlo asi
convenido, y al cabo de unos
momentos se aparecieron en
dicha bodega, me enseñaron
las doce onzas y un revolver

que

que le habian regalado - En
el acto tomamos la cerveza
y ellos se marcharon.

Al dia siguiente me
presenté en casa del Sor Viso
á quien le manifesté lo ocurrido,
y le dije ensenandole el pagaré:
"Aqui vengo á traerle el papel
"tan deseado por V. en la inte=
"ligencia que si V. no me entrega
"hoy mi dinero; hoy mismo lo
"entrego á V. á la policia: me
dijo que á las tres de la tarde
sin falta me lo abonaria; c
espere hasta las cuatro y
viendo que nada me decia
le dije que habia transcurrido
la hora del último plazo:
entonces me replicó que no
me pagaba y acto continuo
me determiné á conducirlo
ante el Gefe de Policia con
el auxilio de una pareja de
Orden público, por temor
de que se me fugára.

Una

Una vez en presencia del Jefe le manifeste todo lo ocurrido, que es la presente relacion que hago á V.S. el referido Jefe, en el momento, libró órden de prision contra Zubizarreta y su sobrino politico que no pudo ser habido porque se escondió ó fugo. A los pocos dias de este suceso, ó sea el dia 19 del que cursa, fuí citado en mi casa para presentarme de órden del Juez de la Catedral al día siguiente en el Tribu-nal, con objeto de prestar una declaracion, á la que asistí puntualmente y el dia 25 del mismo més, fuí preso y conducido á la cárcel por un Celador á consecuencia de una herida, que no recuerdo haberla ocasionado á nadie y con este motivo estoy á

disposicion del Sor Comandante de Marina. Al siguiente dia de mi prision, se me notificó otra órden de prision por el Sor Alcalde Mayor de la Catedral, como ocultador de los "falsificadores de Checks del Banco Español de la Habana".

D. José Viró y Dn Carlos Zubizarreta presos ambos en esta carcel, son los promovedores de mi prision por heridas, y de la dictada por el Sor Juez de la Catedral, pues han creido que con prevenirme conseguirian atemorizarme por el terror y las amenazas y lograr que yo me retractase de mi verdadera acusacion: puesto que despues de mi prision era público en la carcel que yo rendria preso, esto lo he sabido despues de estar aqui, asi fue que cuando llegue á la

Sala de Distincion, todas las
miradas se fijaban en mi
persona como cosa estraña,
y hasta mas he sabido —
(sin embargo que no puedo
probar, pero que deseo que
V.S. lo sepa) los Sres. Viso
y Zubizarreta me han
creado tal atmosfera que
temo que con gratificaciones
seduzcan algun desgra-
-ciado, y atenten contra mi
vida; valor para mandarlo
no les faltan y la mejor
prueba la han dado en
la calle. Como V.S. compren-
derá nunca faltan hombres
criminales que ejecuten delitos
comprados, y con mas razon
cuando en esta prision hay
una espantosa miseria.

Yo sin embargo tengo
mucha fé en el digno primer
Alcayde, Gefe, muy recto y
que no consiente que se hagan
infamias

infamias: pero si Viro y Zubi=
=zarreta intentan que me
asesinen lo conseguirán sin
que pueda evitarlo el bonda=
=doso Alcayde, porque no es
posible que me esté vigilando
dia y noche. Cuando se abren
las galeras, en medio de tantos
presos, es lo mas facil darle
á uno, una puñalada y ~
matarlo y con este motivo
comprenderá VS. que necesito
de su autoridad para que
se me haga justicia, en esta
cuestion del debil contra
el rico. El Sor Viró está
emparentado con personas
de posicion y aunque la
razon está de mi parte,
temo que suceda lo que
siempre.

Concluyo y suplico á
VS. me perdone las molestias
que puedo ocasionarle mi
larga carta, y con este ~

motivo me suscribo respetuoso
alento S.S. Q.B.S.M de V.S.
Santiago Romero.

Inclosure No. 2.
With Dispatch No. 746.
Havana, Oct 30th 1878.
Translation.

To the Consul of the United States of America.

Santiago Romero, American citizen, prisoner in the prison of this City hopes you will please deliver my passport to my attorney defender the Licentiate Don Antonio Yberu y Sañudo as he is in want of it for my defense.

Royal Prison December 10th 1877.

Santiago Romero.

Copy

Señor Cónsul de los Estados Unidos
de America.

Santiago Romero, ciu=
=dadano americano preso en
la cárcel de esta ciudad=
espera de V se sirva entre=
=garle mi pasaporte á mi
apoderado defensor el Licen=
=ciado Don Antonio Alvarez
y Señudo pues le hace falta
para mi defensa.

Real Cárcel Diciembre 10. 1877.

Santiago Romero

Inclosure N°3.
With Dispatch N°. 74th.
Havana October 30th 1878

Translation.

I have received of Don Santiago Romero, the sum of four thousand five hundred dollars, in gold of Spanish coinage, which he has delivered to me in class of deposit without interest and which I oblige myself to return to him, in the same money, at the rate of five hundred dollars monthly, these installments commencing to count from the fifteenth day of October next, in which the first monthly installment shall become due, and with the understanding that by failure of payment of one only of the monthly installments all shall be considered as

as due and the creditor
can proceed against the
debtor, Don José Viro or the
surety, principal payer,
Don Francisco Viro.

Habana, first of January 1877.

(Signed) Francisco Viro.

José Viro.

Copy.-

Yo he recibido de Don Santiago Romero la suma de cuatro mil quinientos pesos en oro del cuño español que me entrega en clase de depósito sin intereses y los cuales me obligo á devolverle en igual moneda á razon de quinientos pesos mensuales, empezando estas á contarse desde el dia quince del próximo mes de Octubre en que vencerá la primera mensualidad y en concepto de que por falta de pago de una sola de aquellas, se entenderán vencidas todas y podrá dirijirse el acreedor contra el deudor Don José Viró ó el fiador principal pagador Dn Francisco Viro.

Habana primero de Enero de 1847.
José Viró — Francisco Viró.

Inclosure No 4.
With Despatch No 746.
Havana October 30 1878

Report of the prothonotary:

On the 24th of August 1877 at the Court of the District of the Cathedral, and Notary's office of don Bernardo Suarez, proceedings were commenced in a criminal cause against don Miguel Busquets and others, for forgery of checks on the Spanish Bank, one to the amount of $51.000, and another for $20.000; the said cause was proceeded with throughout, against Busquets, who was summonsed by edict from the Court, and against whom warrants of arrest were issued to the Chief of Police of this city, and Judges of First Instance, of the Island

until on the 15 October of the same year, Don Santiago Romero presented himself to the Chief of Police, and laid the information contained in his letter, annexed, referring to an attempted homicide, and the participation which Don José Vivó and Don Carlos Zubizarreta had in the forgery.

The promissory note which Romero mentions is a strange document, as therein Don José Vivó acknowledges to have received in deposit $ 4.500. gold which he engages to return at the rate of $ 500. gold, monthly, beginning from the 15th of October next, and that in case of the failure in payment of any one monthly instalment, it should be understood that all the instalments had become due

and Romero could demand the total amount from Vivó, or of his principal endorser - Dn Francisco Vivó,. The document is dated January 1st 877.

Romero in his testimony declares to about the same effect as the statements contained in his letter, that he carried over to Key West on the 18 August, a passenger. Juan Torres y Alvarez - who, during the passage told him his real name, and whom he had not previously known in this city.

Dn Carlos Zubizarreta, - a cousin, or other relation of Busquets - was on board of Romero's vessel, when the so-called Torres, took passage, and says that Romero did know Busquets, because he had met him in the "Caridad" Lodge, of which

Busquets is Worshipful Master, and to which Romero came recommended from another Lodge in Key West; he denies having had any complicity in the forgery, and in the pretended frustrated attempt of homicide on Romero.

Don José Vivo testifies that Romero presented himself to him, stating that he had carried Busquets to Key West, who had told him that he and his brother, Gabriel, and others had been concerned in the forgery of the checks, and that he would denounce him, unless he gave him $6,000 gold; that because he had no money, and after some explanations, Romero agreed to keep quiet as to what he knew, for the amount of $500-gold, and the note referred to, which

he

he gave him; that this was during the month of September but that Romero, in order to ward off suspicion, made him put the date of January 1st 1877, to the note; that afterwards, Romero pushed him, and several times exacted payment of the note, and as he had no money to pay him, Romero invented the story of the homicide, and denounced him.

The indorser. Don Francisco Vivó, don Juan Vivó, Don Esteban Valdes and Don Atanasio Marlot, declared, that they saw the note signed in September, and the back date affixed to it; and the two first named further declared that Vivó informed them of Romero's exactions).

The latter, (Romero,) declares that he cannot

pure by anyone, that he had delivered to don José Vivó, in deposit, the amount stated in the note.

In view of these facts, Romero was committed to prison, being considered as an accessory to the crime of attempted forgery by means of raising checks on the Spanish Bank, and the cause was continued against him, Pusquets, the Vivó's and others, after the charge duly made by the Spanish Bank, which thus became a party in the suit, which was then sent to the Promotor Fiscal (Prosecuting attorney) of the Court, who after making due report on the case, examining the charges existing against each one of the accused, he expresses himself, concerning Romero, in the following terms: —

" Don Santiago Romero

" should be held and considered
" as an accessory to the crime
" charged; as although he
" confesses having taken on
" board his vessel an un-
" known individual, with the
" name given by his passport,
" whom he did not know to be
" Busquets, until his arrival
" at Key West, nevertheless, there
" exist data in the proceedings
" to the contrary, as it is proved
" that Busquets was a friend
" of Romero; adding to this,
" his own confession, and further,
" the doubt raised by the note
" given by Vivó to Romero,
" and regarding the drawing
" up of which, as to the date
" and the derivation of the
" amount, the said Romero
" and Don José Vivó, who appears
" as debtor, are in complete
" disagreement; and there
" existing the conviction, deduced

"from what is stated by Don
"José and Don Francisco Vivó,
"and the witnesses called by
"the former, that the said
"document was made in
"September last, in favor of
"Romero, as a reward for his
"silence concerning the crime
"mentioned."

This opinion concludes by demanding that Romero shall be punished by a sentence of three years imprisonment.

After due defense of the accused had been made, the sentence was dictated on the 19th of December, acquitting Vivó. (Don Gabriel & Don Jose) Lubizaneta and Romero from the process; (absolver de la instancia, is the equivalent of a verdict of "not-proven", while the proofs of innocence are not sufficient for acquittal.), and the cause was

in appeal to the Audiencia of the Territory (or Supreme Court), this Court on the 20th February 1878, pronounced sentence, revoking the previous one, and having among others, the following considerandum: "Whereas, Dn Santiago Romero confesses to having provided means of flight to the principal criminal, and gone on board of the vessel in which he took passage, which, together with the possession of a note for four thousand five hundred dollars against Dn Jose Vivó, the source of which he does not satisfactorily explain, constitute him to be an accomplice in the crime proceeded against." - and concludes by condemning Dn Santiago Romero to twenty five months imprisonment - which he is now undergoing.

Copy of the original:

En 24 de Agosto de 1877.
se inició en el Juzgado de la
Catedral y Escribanía de Don
Bernardino Suarez, causa crimi-
inal contra Dn Miguel Bus-
quets y otros por falsificación
de dos mandatos del Banco
Español, uno por valor de $1.000
pesos y otro por $ 20,000; la cual
se siguió por todos sus trámites
contra el Busquets, á quien se
llamaba por edictos habiéndose
librado requisitorias para su
prisión al Gefe de Policía de
esta capital, y Jueces de 1ª
instancia de la Isla, hasta
que en 15 de Octubre del mismo
año se presentó al Gefe de
Policía, Dn Santiago Romero,
haciéndole la denuncia que
espresa en su carta adjunta,
referente á la tentativa de
homicidio que relata, y á

la participacion que en la falsificacion tuvieron Dn José Vivó y Dn Cárlos Zubizarreta.

El pagaré que menciona Romero, es un documento extraño, pues en él Dn José Vivó confiesa haber recibido en deposito $4.500-00, que se obliga á devolver á razon de $500 (-00), mensuales, empezando á contarse desde el 15 de Octubre y que dejando de pagar una mensualidad se entenderán vencidas todas y en este caso podrá Romero reclamarlo todo á él (Vivó) ó á su fiador principal pagador Dn Juan Co Vivó. Este documento tiene fecha de 1 de Enero de 1877.

Romero en su declaracion dice poco mas ó menos lo mismo que en la carta; que llevó á Cayo Hueso en 18 Agosto al pasajero Juan Sotre y Alvarez quien en el camino,

le dijo su verdadero nombre;
y que no lo habia conocido
en esta Isla.

Dn Carlos Zubizaretta-
primo ó pariente de Busquets —
estuvo en el barco de Romero
cuando se embarcó el supuesto
Torres, y dice que Romero co-
noció á Busquets porque
lo vió en la Logia "Caridad"
de que Busquets era Venerable,
y á la que le vino recomendado
Romero por otra Logia de
Cayo Hueso, y niega haber tenido
parte en la falsificacion y
en el pretendido homicidio
perpetrado de Romero.

Dn Jose Ruiz declara
que se le presentó Romero
diciendole que habia llevado
á Busquets á Cayo Hueso,
y que le habia contado que
él y su hermano Dn Gabriel
y otros habian intervenido
en la falsificacion de los
checks,

checks, y que lo iba á denunciar elno le daba seis mil pesos oro; que por no tener dinero y despues de algunas explicaciones convino Romero en callarse lo que sabia por quinientos pesos oro. y el pagaré aludido que le entregó; que esto fué el mes de Setiembre, pero Romero, para alejar las sospechas hizo que se le pusiera al pagaré la fecha del 1º de Enero: que despues le apuró ó sea, requirió varias veces, por el pago y que como no tenia dinero con que pagarle, Romero forjó la historia del homicidio y lo denunció.

El Juez, Don Francisco Xavier Juan del mismo apellido, Don Esteban Valdes y Don Atanasio Marlot declararon que vieron firmar el pagaré en Setiembre poniendole la fecha atrasada; y diciendo los dos primeros

que Vivó les entero dela exigencia
de Romero.

Este manifesto que no
podia acreditar con nadie que
habia entregado a' Don Jose Vivó,
en depósito, la cantidad que
expresa el pagaré

Con estos datos se redujo
á prision a Romero, creyendo
dolo como encubridor del
delito de estafa frustrada
por medio de falsificacion de
mandatos del Banco Español,
y continuada la causa
contra él, Busquets, los Vivó,
y otros, despues de formular
acusacion, el Banco Español
que se hizo parte en ella,
de paso al Promotor Fiscal
del Juzgado, quien, despues
de hacer la relacion de los
hechos, examinando los cargos
que existen contra cada uno
de los procesados, se expresa
respecto á Romero de este modo:—

" " Dn Santiago Romero debe
" " estar comprendido y clasificado
" " como encubridor del delito que
" " se persigue; pues aún cuando
" " expresa que condujo en su
" " vivero a un individuo des-
" " conocido con nombre y apelli-
" " do consignado en su pasa-
" " porte, y no supo que era
" " Busquets hasta llegar á
" " Cayo Hueso, sin embargo,
" " existen datos en el sumario
" " de lo contrario, pues está
" " probado que Busquets era
" " Amigo de Romero: agregandose
" " á esto su propia confesion
" " y además la duda que en-
" " vuelve el pagaré de fojas 210
" " (el que presentó Romero. de Vivo)
" " sobre cuya redaccion con
" " respecto á la fecha y proce-
" " dencia de la cantidad estan
" " en completo desacuerdo el
" " citado Romero y Dn Jose Vivo.
" " que aparece como deudor,

"existiendo el convencimiento de-
"ducido de lo expresado por
"don José y don Francisco Vivó.
"y los testigos citados por el
"primero, de que dicho docu-
"mento se otorgó en Setiembre
"último á favor de Romero,
"sirviendo como premio de un
"silencio en respecto al delito
"de que se trata". Este déc-
tamen termina pidiendo
que á Romero se le imponga
la pena de tres años de prision.

Hechas las defensas de los
procesados, se dictó sentencia
en 19 de Diciembre, absolviendo
de la instancia á Vivo (Don Gabriel
y Don José), Zubizarreta y Romero,
y elevada la causa en apela-
cion á la Audiencia del Terri-
torio esta en 23 de Febrero de
1878, dictó sentencia revocando
aquella, hallándose entre otros
el siguiente

"Considerando: que D. Santiago

"Romero confiesa haber proporcion-
"ado la fuga del principal
"culpable, é ido á bordo del
"vivero en que aquel se em-
"barcó, lo que unido á la
"posesion de un pagaré de
"cuatro mil quinientos pesos
"contra Dn Jose Vivó, y cuya
"procedencia no se esplica
"satisfactoriamente, lo
"constituyen en encubridor
"del delito que se persigue:
y concluye condenando á
D. Santiago Romero á la pena
de veinte y cinco meses de
prision.

Esta sentencia se le notifico: y está cumpliendola.

Lon.
A.

A.M. & file

Acknl. 11th Nov. 29"

Mulvood

DEPARTMENT OF ST
NOV
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1878
RECEIVED

No 747. — U.S. Consulate General
Havana, Oct 30th 1878.

Mr Hall, to the
Department of State.

Chinese Colonists in Cuba.

Transmitting a copy and trans-
-lation of a Decree, of the Governor
General of Cuba, in regard to
chinamen whose contracts have
expired. In accordance with
this Circular, such Chinamen
must either recontract or
leave the Island within
the period of two months.

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4 Inclosures.

No 747 — U. S. Consulate General.

Havana, October 30th 1878.

Hon. F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

I transmit herewith a circular order, dated the 18th and published in the "Gaceta Oficial" of the 23d instant, relating to the compulsory recontracting of Chinamen whose contracts have expired and may hereafter expire. This circular order appears to be the result of a communication, addressed to the Governor General by the "Central Commission of Colonization", by

1/

which he is advised that since the publication of an article, in a certain newspaper of this place, on the 26th July ult°, that these persons would not be obliged to recontract, the recontracting of the Chinamen had greatly diminished. The local Governors of the Island are therefore instructed, by all means in their power, to make planters and others, having Chinamen in their possession, understand that Articles 7th and 18th, of the Royal Order of 7th July 1860, will remain in force until the Government of Spain disposes otherwise and that

all

all Chinamen who have arrived in the Island since the 15th February 1861, must recontract, at the expiration of their contracts, subject to the Regulations of 14th September 1872.

I further transmit a copy and translation of the newspaper article referred to which appeared in the newspaper "La Libertad" published in this city of the 26th July 1878. and in the same connexion I beg to refer, also, to a similar article, published in the "República Española" of the 16th August 1873, transmitted with my dispatch No 270 of the 19th of

2/3

that months.

The Royal Decree, of the 7th July 1860, accompanied Mr Savage's dispatch N° 42 of the of the 14th August 1860. A copy and translation of the "Regulations" of 14th September 1872 were forwarded with my dispatch N° 122 of the 28th September of the same year. For convenient reference, I now transmit a pamphlet containing several dispositions, relating to Chinamen, published from 1854 to 1872.

4/

It has been asserted that the article, published in the "La Libertad," was suggested to the editor of that

paper by General Martinez de Campos himself: his evident retraction must be attributed to the pressure of the "Central Commission of Colonization" in obedience to the requirements of planters; it is certainly not in the interest of humanity. The "certain consuls" referred to in the article in question are the consuls of Great Britain and Portugal: in the former are registered many Chinamen who were shipped at Hong-Kong and in the latter are registered others shipped at Macao.

I am Sir,

very respectfully,

Your Obedient Servant

Henry C. Hall

Consul General

Inclosures

1.- Circular order of the Governor General of 18th Oct.r 1878, relating to Chinamen.

2.- Article from the "La Libertad" of 26th July 1878.

3.- Translation.

4.- Decrees &c relating to Chinamen, from 1854 to 1872.

Inclosure N°1
With Dispatch N°. 747.
Havana, October 30th 1878.

Circular of the Governor General of Cuba relating to the compulsory re=
=contraction of freed Chinamen. Dated 18th Oct. 1878.

From the "Gaceta Oficial" of 25 October, 1878.

GOBIERNO GENERAL DE LA ISLA DE CUBA.

SECRETARIA.

Seccion de Fomento.—Colonizacion.

Enterado el Excmo. Sr. Gobernador General de una comunicacion de la Comision Central de Colonizacion de fecha 12 del actual, en la que se le dá cuenta de la not ble disminucion que ha tenido la recontratacion de colonos asiáticos desde que un periódico de esta Capital dijo el 26 de Julio último en uno de sus articulos que dichos colonos no serian más recontratados y gozarian todos los privilegios concedidos á los que llegaron á la Isla ántes del 15 de Febrero de 1861, se ha servido acordar se traslade el citado oficio á los Sres. Gobernadores de Provincia á fin de que, por todos los medios que estén á su alcance, procuren hacer comprender a los hacendados y á cuantas personas tienen en su poder colonos asiáticos, que los artículos 7 y 18 del Real Decreto de 7 de Julio de 1860 continuan y continuarán vigentes hasta que el Gobierno Supremo de la Nacion disponga otra cosa y que por lo tanto todos los colonos de aquel orígen que han llegado á la Isla con posterioridad al 15 de Febrero de 1861 deben recontratarse al vencimiento de sus contratas, con sujecion al Reglamento de 14 de Setiembre de 1872 ó salir del pais á sus espensas en el término de dos meses.

Lo que de órden de S. E. se publica en la Gaceta para conocimiento general.

Habana 18 de Octubre de 1878.

El Secretario,
R. Galbis.

Translation.

Government General of the Island of Cuba.

Secretary's Office.
Bureau of "Fomento." — Colonization.
His Excellency

the Governor General having taken due note of an official communi=cation dated the 12th instant from the Central Commission of Coloni=zation, in which a report is made to him of the notable diminution which has taken place in the recontraction of Asiatic colonists since a news=paper of this Capital stated on the 26th July ultimo, in one of its articles, that the said colonists would be recontracted no more and would enjoy the same privileges conceded to those who arrived before the 15th Febuary 1861, has been pleased to resolve that transcripts of the said official communication be sent to the Provincial Govern=ors with the object that, by all means within their reach, they may endeavour to make planters and all other persons who have Asiatic

colonists under their control,
comprehend that articles 7th
and 18th of the Royal Decree
of the 7th July 1860 continue
and will continue in force
until the Supreme Govern=
=ment of the nation disposes
otherwise and therefore all
the colonists, of that origen,
that have arrived in the
Island since the 15th Febuary
1861 must recontract at the
termination of their contracts,
in accordance with the "Regu=
=lations" of 14th September 1872,
or leave the Island at their
own expense in the period of
two months.

Which by order of His
Excellency is published in the
"Gaceta for general infosmation

The Secretary
R. Gabis.

Havana, October 18th 1878.

Inclosure No 2.

With Dispatch No 747.

Havana October 30th 1878.

From the Havana newspaper "La Libertad"

of July 26th 1878.

La trata de los chinos.

Los asiáticos han sustituido á los negros, como objeto de la ominosa trata. Los abusos que se cometian en el cumplimiento de sus contratas, constituian por sí solos casos de inaudita inmoralidad. El mal trato que en algunas fincas daban á los chinos, dieron lugar á terribles delitos y á la instruccion de causas que serán célebres en los anales del foro.

Y como si todo esto no fuera bastante; como si todavia se quisiera llevar la inmoralidad, con gran esfuerzo, á más alto punto; como si esto no fuera bastante, se inventaron las recontratas obligatorias. El mal, sobre el mal. El agrávio, sobre el agrávio. La injusticia, sobre la injusticia. La inmoralidad sobre la inmoralidad.

Más aún. Una injusticia era poco. Necesitábanse dos. Necesitábanse tres. Necesitábase eternizar esa injusticia.

Relatemos la segunda inmoralidad. Se mandó que los asiáticos llegados después del 61 estuvieran obligados á recontratarse. ¿Qué quiere decir recontratarse en derecho? Ciérrense los libros, que no lo oiga ningun jurisconsulto. Recontratarse quiere decir que la formacion de determinado contrato sea obligatoria. Una definicion es poco para definir lo indefinible. La recontrata de los chinos necesita dos definiciones. La recontrata es un convenio que se forma sin la voluntad de una de las partes. Y todavia no lo explicamos bien. Demos la tercer definicion. La recontrata es una estipulacion, en la cual la voluntad del gobierno suple la voluntad de uno de los contraventes.

Después de este tercer golpe, solo quedaba darle la corona de la eternidad. Y la recontrata se hizo eterna. Hombres del derecho; tomad nota en vuestros libros de los contratos eternos.

La recontrata no es prorogable, sino que tiene que prorogarse. La prórroga obligatoria de un contrato es punto nuevo tambien introducido en la legislacion colonial. Hablemos de todo esto sin temor, porque vá á desaparecer. Es dable hablar de las grandes inmoralidades cuando van á morir. Porque entónces no existen los poderes que las formaron.

En estas recontratas, una de las partes obraba libremente, el patrono. El chino era el convertido por la fuerza en contrayente. Y como el primero tenia su libertad de accion, no podia obligársele á la próroga. En ese caso el chino estaba obligado á recontratarse con otro patrono. Es decir,que el asiático constituia siempre una propiedad de determinado grupo de patronos. Si no uno, otro. Los chinos llegaron á ser bienes comunes. Nueva clasificacion para el derecho.

Hemos dicho que ésta sustituyó á la trata. Era peor. El negro esclavo podia y puede coartarse. El asiático nó. El esclavo podia y puede obtener su libertad por título oneroso ó gracioso; el asiático no. Su esclavitud debia ser perpétua. Sólo podia hacerlo libre el sacerdote al recibir su cuerpo sin alma. Y eso no siempre. Por lo comun eran enterrados en los ingenios.

Ya lo hemos visto. Ni su patrono podia ser generoso con ellos. No podia darles libertad, porque mil nuevos patronos ansiaban ocupar la recontrata vacante. De señor en señor. De esclavitud en esclavitud. ¡Qué eslabon de desgracias, qué cúmulo de dolores para el infeliz asiático, que venia á Cuba en solicitud de trabajo y progreso!

Las grandes injusticias dán siempre lugar á grandes inmoralidades. Los hombres luchan por eludirlas. Y acuden á todos los medios de accion. Al cohecho, al soborno, á todos los delitos. Porque no hay mas medio para eludir la ley injusta, que el delito. La ley injusta siempre es ley.

¡A cuántos delitos, á cuántos crímenes han dado lugar las contratas de los chinos! ¡Cuántos atentados se han cometido á la sombra de las recontratas! Podría formarse un libro célebre, coleccionándose las cáusas seguidas contra los infelices chinos contratados, recontratados y llevados muchas veces al presidio y á los cadalsos!

Para evitar la recontrata aspiraban ellos á obtener cédulas anteriores al año de 1861. No podemos decir que ésto les costara exhibiciones, porque en esta clase de cargos seremos siempre concretos, jamás acusaremos con generalidades. Cuando acusemos, que será pocas veces, tal vez ninguna, señalaremos el caso, el hecho, el autor, la prueba. Empero, LA LIBERTAD no se ha creado para acusar. Los periódicos no tienen grado gerárgico en la administracion. LA LIBERTAD pedirá sistemas, le-

yes, medidas generales, nó castigos. Toca al gobierno velar por su buen servicio. Toca á los interesados acudir al gobierno, nó á la prensa. El gobierno es el que puede dar la reparacion. La prensa, en tales casos, solo dá el escándalo.

Sentado esto, volvamos á nuestros chinos. Son esclavos de contratas y recontratas. Tienen el derecho de cobijarse bajo nuestra bandera, que es la libertad.

La adquisicion de cédulas anteriores al año de 61, la consumacion de esta falsedad, tenia necesariamente que ocasionar algun sacrificio á los chinos. Tal vez la prestacion de algun servicio. Tal vez la dacion de cantidad á algun amigo ó fingido protector. De otro modo, no es dable creer que los chinos tuvieran medios de falsificar las cédulas expedidas por el gobierno.

Algunos se hacian extranjeros, obtenian cédulas de determinados cónsules. La expedicion de esas cédulas, necesariamente, costaba sacrificios á los chinos. Porque los cónsules devengaban los correspondientes derechos.

Y tenemos que los chinos, para libertarse, tenian que dar cantidades, y tenian que cometer el delito de falsedad. Delito que podia costarles una terrible condena. La libertad adquirida por el delito, no es libertad. Es colocar sobre la servidumbre del cuerpo, la servidumbre del alma.

¿Qué más desgracias podia haber para los chinos? ¡Qué venga á relatarlas el ángel de la muerte! Se han confundido los unos y los otros en la tumba. Los que vinieron ántes del año de 1861, se hicieron inmortales. Todos los chinos muertos resultaban llegados despues del año de 1861. La razon no se oculta. Las cédulas anteriores al año de 1861 era necesario que representaran siempre asiáticos vivos. Porque podian ellas aplicarse á los asiáticos, que llegados despues, querian adquirir á todo trance cédulas anteriores al año de 1861, para librarse de la eterna ley de las recontratas. Así es que aparecen como muertos asiáticos vivos. Y como vivos asiáticos muertos. ¡Qué confusion más horrible entre la vida y la muerte!

El Gobernador General ha puesto su atencion en esta tremenda perturbacion del derecho. La bomba de fuego vá á caer en tan odioso festin, como cayó sobre el gran festin histórico.

Las recontratas ván á desaparecer. Tambien para los chinos brillará el sol de la libertad. En lo adelante podrán trabajar libremente al amparo de la ley. Podrán vivir sin cambiar su nombre por el nombre de los muertos. Podrán morir sin que los vivos vayan á sus tumbas á arrancarles el nombre! Los asiáticos, en fin, podrán, en lo adelante, vivir y morir. La trata de los chinos ha muerto. Su redentor ha llegado.

Inclosure N° 3.
With Dispatch N° 747.
Havana, Octr 30th 1878.-

From the "La Libertad" of 26th July 1878- published at Havana.

The traffic in Chinamen.

The Asiatics have substituted the negroes as objects of the ominous traffic. The abuses which were committed in the fulfillment of their contracts constituted, of themselves alone, cases of unheard of wrongs. The bad treatment given to the Chinamen on some estates, gave rise to terrible crimes and the initiation of trials which will ever be celebrated in the annals of the forum.

And as if all this were not sufficient; as if it

were desirable to carry the wrongs, by a great effort, to a still higher point, as if this were not sufficient, the obligatory recontractions were invented. — Wrong upon wrong. Insult upon insult. Injustice upon injustice. Immorality upon immorality.

Still more. One injustice was but little. Two were needed. Three were needed. It was necessary to eternize injustice.

Let us relate the second wrong. It was ordered that the Asiatics arrived after 1861 should be obliged to recontract themselves. What does recontract-ion mean in law.? Close the books, let no jurisconsult hear it. Recontraction means that the <u>making</u> of a determined contract may be obligatory. One definition is insufficient for defining what is indefina-ble. The recontract of the

Chinamen needs two defini-
tions. The recontract is an
agreement which is made
without the consent of one
of the parties, and still we
do not well explain it. Let
us give the third definition.
The recontract is a stipulation
in which the consent of the
Government takes the place of
the consent of one of the
contracting parties.

After this third "coup",
it only remained to give it the
crown of perpetuity. And the
recontract became perpetual.
Men of law; take note in your
books of these perpetual contracts.

The recontract is
not prorogable, but it must
be prorogued. The obligatory
prorrogation of a contract
is also a new feature intro-
-duced into colonial legislation.
Let us discuss all this for

it is about to disappear. It is practicable to speak of great wrongs when they are about to die. Because then the powers that created them no longer exist.

In these recontracts one of the parties, the patron acted freely. The Chinaman was by compulsion turned into a contracting party. And as the first had his freedom of action, he could not be compelled to recontract. In that case the Chinaman was obliged to recontract with another patron. That is to say, the Chinamen constituted a property of a certain group of patrons. If not one, it was another. The Chinamen became property in common. A new classification in law.

We have said that this recontraction substituted the

traffic

<u>traffic</u>. It was worse. The negro could and can coaret himself. The Asiatic could not. His slavery must be perpetual. The priest alone could free him in receiving his body without the soul. And that, not always. They were generally buried in the plantations.

We have seen it. Not even the patron could be generous with them. He could not give them their freedom, because a thousand new patrons were eager to take up the vacated recontract. From master to master, from slavery to slavery, what a chain of adversities, what an accumulation of sorrows for the unhappy Asiatic who came to Cuba in search of work and progress!

Great injustices give

place always to great immo-
ralities. Men strive to avoid
them. And have recourse
to all the means of action.
To bribery, to subornation, to
all crimes. Because there is
no other way of eluding
the august law than by—
transgressing it. The unjust
law is always law.

How many offences,
how many crimes, have the
contracts of the Chinamen
given cause to! How many
outrages have been committed
under the shadow of these
recontracts! What a notable
book could be made by collecting
the trials of the unfortunate,
contracted Chinamen, recon-
-tracted and frequently carried
to the chain-gangs and to the
scaffolds.

To avoid the recontract
they aspired to obtain <u>cedulas</u>

of dates previous to 1861. We cannot say whether this fact will compel the exhibition of the cedulas, because in this class of changes we shall always be concrete we shall never accuse by generalities. When we do accuse, which will be seldom, possible never, we shall designate the case, the fact, the author and the proof. But "La Libertad" has not been created for accusing. Newspapers have no hierarchical grade in the Administration. The "La Libertad" will ask for systems, laws, general measures, not punish=ments. It is the duty of the Government to look after its good service. It is the duty of those interested to apply to the Government and not to the press. The Government is the one that can make

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reparation. The press, in such cases only reports the scandal.

This granted, let us return to our Chinamen. They are the slaves of contracts and recontracts. They have the right to shelter themselves under our flag, which is liberty.

The acquisition of cedulas dated prior to the year 1861, the consummation of this falsification would necessarily cause some sacrifice to the Chinamen. Perhaps the rendition of some service. Perhaps the payment of a sum to some friend or feigned protector. Otherwise it is not possible to believe that the Chinamen had the means of forging the cedulas issued by the Government.

Some became foreigners, obtained cedulas from

from certain consuls. The issuing of those cedulas necessarily cost sacrifices to the Chinamen. Because the Consuls are entitled to their corresponding fees.

The consuls alluded to are only those of United States and Peru.

And we have it that the Chinamen in order to free themselves had to pay sums and to commit the crime of falsification. A crime which might cost them a terrible punishment. Liberty acquired by crime is not liberty. It is the slavery of the soul in exchange for the slavery of the body.

What greater misfortunes could befall the Chinamen? Let the Angel of death come and relate them! The ones and the others have been confounded in the tomb. Those who came before the year 1861 became immortal. All

the dead Chinamen proved to have arrived since the year 1861. The reason is not concealed. It was necessary that the cedulas, dated prior to 1861, should always represent live Chinamen. Because they could be applied to the Chinamen that having arrived subsequently wished to acquire, at any cost, cedulas of a date anterior to the year 1861, so as to be free from the law of perpetual recontracts. Thus living Chinamen appear as dead and the dead as living. What confusion among the living and the dead could be more horrible.

The Governor General has fixed his attention upon this tremendous perturbation of the law. The bomb of fire is about to fall upon this horrible feast as it fell upon

the

great historic feast.

The recontracts are going to disappear. For the Chinamen also, the Sun of liberty will shine. In the future they will be able to work freely under the protect=ion of the law. They will have a right to live without changing their names for the names of the dead. They will be able to die without the living going to their graves to take away their names. Finally the Asiatics will in future be able to live and to die. The traffic in Chinamen is dead. Their redeemer has arrived.

COLL

Havana

F1784 .S56

chos casos una rémora para su despacho, en los Sres. Capitanes de Partido. Sabemos que el Capitan de Cabezas dió dos informes sobre Vieja Bermeja y fué necesario por tercera vez manifestarle que lo que informaba no era lo que se le pedia, ni como debia hacerlo. ¡Qué tenaces son algunos funcionarios!

—El dia tres se estrenará probablemente la Compañía de Opera Italiana que ha de actuar en el Teatro de la Paz, y atencion á súplica que se nos hace, debemos llamar la atencion de los amables y atentos empresarios de aquel coliseo hácia el órden que debe haber en la tertulia de Señoras, y á ser posible cierta separacion que nuestra cultura y su propia conveniencia hace necesario. Y decimos esto, porque hemos sabido y tambien visto, que en dos entreactos y aún en muchos actos, es

Douglas Sutherland Campbell, caballero de la órden de la jarretera, llamado comunmente marqués de Lorne, para el gobierno general del Canadá.

Ayer quebró una casa de corredores de hierro con un pasivo de $50,000. Tambien se habla de otras dos quiebras no anunciadas aún oficialmente. Hay más tranquilidad, pero todavía los Bancos se niegan á dar facilidades y descar[illegible] esta clase de operaciones sobre e[illegible]nde se ha cargado ya [illegible] en algunos descuentos. El Ban[illegible]rancia ha subido tambien el descuento, y se cree que es inevitable una nueva alza en el de Inglaterra.

Lóndres 17.—Sir James F. Stephen, persona muy competente en los asuntos de la India, en una larga carta escrita al *Times*, sostiene que es necesario que Inglaterra posea una influencia suprema en Afghanistan para asegurar su imperio indio.

Lóndres 18.—En Lóndres hay rumores de disolucion del Parlamento.

Glasgow 18.—Aumenta de hora en hora la excitacion contra los directores del P[illegible]

Inclosure No 1
With Dispatch No 747
Havana October 30th 1878.

COLECCION

DE LAS DISPOSICIONES QUE SOBRE

COLONOS

HAN SIDO EXPEDIDAS HASTA LA FECHA PARA SU CUMPLIMIENTO

EN LA

ISLA DE CUBA.

HABANA 1872.

IMPRENTA DEL GOBIERNO Y CAPITANIA GENERAL POR S. M.

GOBIERNO, CAPITANIA GENERAL

Y

SUPERINTENDENCIA DELEGADA DE HACIENDA

DE LA SIEMPRE FIEL ISLA DE CUBA.

——:o:——

SECRETARIA DE GOBIERNO.

Seccion 1ª—*Circular número* 33.

El Excmo. Sr. Presidente del Consejo de Ministros con fecha 22 de Marzo me dice lo siguiente:

"Excmo. Sr.—S. M. la Reina se ha dignado expedir el Real decreto siguiente:

"En vista de las razones que me ha expuesto el Presidente de Mi Consejo de Ministros. de acuerdo con el parecer del mismo Consejo, Vengo en aprobar el siguiente Reglamento para la introduccion y régimen de los colonos en la isla de Cuba.

REGLAMENTO

para la Instruccion y régimen de los colonos en la isla de Cuba.

——:o:——

CAPITULO I.

De la introduccion de los colonos

——:o:——

ARTICULO 1º

Los particulares que quieran introducir por su cuenta en la isla de Cuba colonos españoles, chinos ó yucatecos, podrán hacerlo desde este dia y por espacio de dos años sujetándose á las condiciones establecidas en este reglamento.

ARTICULO 2º

El que haya de importar dichos colonos deberá obtener préviamente el permiso del Gobierno y para solicitarlo presentará una certificacion ó documento que acredite que el buque destinado á la conduccion se halla en estado de emprender la navegacion de que se trate. —Esta certificacion ó documento se expedirá, si el buque estuviera surto en un puerto extrangero, por el Cónsul español que en él hubiere, y si en puerto de España por la autoridad de marina correspondiente.

ARTICULO 3º

No se concederá ninguno de dichos permisos sin que la persona á cuyo favor se expidan se obligue á introducir el número de mujeres, que el Gobierno determine, teniendo en consideracion el de los varones, que hayan de ser importados en cada expedicion, su nacionalidad y demas circunstancias.—Por las mujeres no pagarán los introductores derecho de tonelada.

ARTICULO 4º

El Gobierno al conceder el permiso de que tratan los artículos anteriores podrá exigir de los introductores las demas condiciones que extime oportunas atendido tambien el número, nacionalidad y demas circunstancias de los colonos que hayan de ser introducidos.

ARTICULO 5º

Las contratas que los introductores celebren con los colonos estarán escritas en el idioma de estos y serán visadas por el Cónsul de S. M. si se celebraren en territorio extrangero, ó por el Gobernador de la provincia si se otorgasen en territorio español.

ARTICULO 6º

Estas contratas deberán expresar las circunstancias siguientes: Primera. La edad, sexo y pueblo de la naturaleza del colono. Segunda. El tiempo que ha de durar su contrato. Tercera. El salario y la especie, cantidad y calidad de los alimentos y vestidos que ha de recibir. Cuarta. La obligacion de darle asistencia médica durante sus enfermedades. Quinta. Si ha de cesar el salario cuando enferme el colono por alguna causa que no dimane del trabajo ó sea independiente de la voluntad del patrono. Sexta. Número de horas que se obligue el colono á trabajar cada dia declarándose si el patrono ha de tener facultad para aumentarlas algunos dias siem-

pre que compense este aumento con una disminucion análoga en otros. Sétima. La obligacion del colono á indemnizar al patrono de las horas de trabajo que pierda por su culpa. Octava. La obligacion del mismo colono á sujetarse á la disciplina de la finca, taller ó establecimiento en que haya de trabajar. Novena. Una cláusula concebida en estos términos: *Yo N. N. me conformo con el salario extipulado aunque sé y me consta que es mucho mayor el que ganan los jornaleros libres y los esclavos en la isla de Cuba porque esta diferencia la juzgo compensada con las otras ventajas que ha de proporcionarme mi patrono y son las que aparecen de este contrato.*" Décima. Las firmas del colono, si supiere firmar, y la del contratista.

ARTICULO 7º

El colono recibirá y conservará siempre en su poder una cópia de su contrato firmada por el contratista.

ARTICULO 8º

Si los colonos fuesen españoles y menores de edad, no podrán contratarse con los introductores sin el consentimiento de sus padres ó tutores. Si fneren extrangeros y menores de catorce años deberá intervenir en su contrata la persona de quien dependan.

ARTICULO 9º

Los importadores de colonos no embarcarán en cada buque mas que una persona por cada tonelada de arqueo en las navegaciones desde los puertos de la Península, una persona por cada tonelada y media en las que se hagan desde los puertos de la China, y en igual proporcion calculada la menor distancia en las que se verifiquen desde Yucatan.

ARTICULO 10.

Será ademas obligacion de los introductores: Pri-

mero: Proveer los buques de agua y alimentos sanos en cantidad proporcionada al número de personas que conduzcan y á la distancia que hayan de recorrer. Segundo. adoptar las precauciones necesarias á fin de mantener en dichos buques el aseo y la ventilacion indispensables para la salud de los pasageros. Tercero. Llevar médico y botiquin á bordo cuando pase de ciento el número de las personas embarcadas. Cuarto. Sujetarse á su llegada á cualquiera de los puertos de la Isla á los reglamentos de sanidad y policía que en ellos rigieren.

ARTICULO 11.

Para asegurar la observancia de este reglamento no podrán ser introducidos los colonos sino por el puerto de la Habana excepto en caso de naufragio ú otro accidente inevitable que haga forzosa la arribada y desembarco en algun otro puerto.

ARTICULO 12.

Dentro de las veinte y cuatro horas siguientes á la llegada del buque ó á su admision á libre plática en el caso de observacion ó cuarentena, presentará el introductor una lista de los colonos que hubiere embarcado acompañada de sus contratas con expresion de los que hubieren fallecido durante la travesía y de las causas que hayan motivado su muerte.—El Gobernador Capitan General en vista de estos documentos y despues de practicar las diligencias que estime necesarias para evitar todo fraude, permitirá el desembarco.

ARTICULO 13.

Los introductores de colonos podrán cederlos á otros empresarios ó hacendados ó particulares bajo las condiciones que estimen convenientes siempre que estos se obliguen á cumplir las contratas celebradas con dichos colonos y se sujeten á las prescripciones de este reglamento.—Igual facultad tendrán bajo las mismas condi-

ciones los cesionarios de dichos colonos.—Serán nulas las cesiones de colonos que se verifiquen alterando, sin el consentimiento expreso de aquellos, las condiciones de sus contratas primitivas.

ARTICULO 14.

Tanto los introductores como los cesionarios inmediatos de los colonos darán parte al Gobierno del número de aquellos que cedan ó reciban dentro de las veinte y cuatro horas siguientes á la consumacion del contrato, expresando el nombre, sexo y edad de dichos colonos. el buque en que vinieren, condiciones de la contrata celebrada con ellos, clase de trabajo á que se le destina y punto á donde van á residir.—El Gobierno entregará entónces al cesionario las contratas que recibió del introductor relativas á los colonos cedidos, dejando nota de su contenido en los libros que para este efecto se llevarán en la secretaría Política.

ARTICULO 15.

No podrá trasladarse la residencia de los colonos de un punto á otro de la Isla sin ponerlo préviamente en conocimiento del Gobierno.

CAPITULO II.

De las obligaciones y derechos recíprocos de los colonos y sus patronos.

——:o:——

ARTICULO 16.

El Gobernador Capitan General de la isla de Cuba será el protector nato de los colonos y ejercerá este cargo en los distritos por medio de sus delegados los Gobernadores ó Tenientes Gobernadores respectivos, quienes á su vez serán auxiliados en este cargo y sin necesidad de delegacion prévia por los capitanes de partido.—Es-

tos funcionarios procederán en todo caso bajo la direccion y dependencia de los Gobernadores ó Tenientes Gobernadores.

ARTICULO 17.

Serán defensores de los colonos en sus negocios de justicia y en defecto de sus patronos en primera instancia los Síndicos de los Ayuntamientos ó los que hagan sus veces en las juntas municipales, y en segunda los Fiscales de S. M.

ARTICULO 18.

Los protectores delegados velarán por el buen trato de los colonos y el cumplimiento de sus contratas, propondrán al protector nato las medidas que estimen convenientes para su bienestar y fomento y resolverán de plano y sin forma de juicio las cuestiones que se susciten entre los colonos y sus patronos.—Si estas cuestiones envolviesen algun punto de derecho las resolverá el protector en juicio verbal oyendo *in voce* á las partes y con dictámen de asesor.—Si el asunto fuese de mayor cuantía con arreglo á las leyes se decidirá por quien corresponda y segun los trámites establecidos para los juicios del mismo nombre.

ARTICULO 19.

Los colonos al firmar ó aceptar sus contratas con los introductores se entiende que renuncia al ejercicio de todos los derechos civiles, que no sean compatibles con el cumplimiento de las obligaciones que contraigan, á ménos que se trate de algun derecho expresamente declarado por este reglamento.

ARTICULO 20.

Los colonos podrán contraer matrimonio con el consentimiento de sus patronos.—Si un colono mayor de

edad intentare contraerlo y su patrono se opusiere, podrá redimirse de su potestad con las condiciones prescritas en el artículo veinte y ocho ó buscar otro patrono que lo adquiera con las mismas condiciones.

ARTICULO 21.

Los colonos ejercerán sobre sus hijos todos los derechos de la pátria potestad y sobre sus mujeres los de la potestad marital en cuanto unos y otros sean compatibles con la condicion legal de los mismos hijos y mujeres.

ARTICULO 22.

Los hijos de los colonos seguirán la condicion de sus madres todo el tiempo que dure el contrato de estas si nacieren durante el mismo, pero al cumplir los diez y ocho años serán enteramente libres aunque sus madres continúen contratadas.—Los hijos menores que tengan las mujeres al tiempo de contratarse, seguirán la condicion que las mismas estipulen con los contratistas.—Si nada hubieren estipulado serán enteramente libres, pero tendrán derecho á ser alimentados, albergados y vestidos por los patronos de sus madres con las condiciones establecidas para estas, hasta cumplir doce años.

ARTICULO 23.

El mismo derecho tendrán los hijos de los colonos nacidos bajo el poder de los patronos de sus madres miéntras sigan la condicion de estas, pero con la obligacion de prestar entre tanto á dichos patronos los servicios de que sean capaces segun su edad.

ARTICULO 24.

Los colonos casados no podrán ser cedidos á ninguna persona que no adquiera al mismo tiempo al cónyuge respectivo y á los hijos menores de doce años que tuvieren. Los patronos no podrán obligar tampoco á vivir ha-

bitualmente separados los maridos de las mujeres ni estas de sus hijos menores de doce años.

ARTICULO 25.

Los colonos podrán adquirir bienes y disponer de los que les pertenezcan por título oneroso ó lucrativo siempre que los contratos que celebren no envuelvan alguna condicion expresa ó tácita cuyo cumplimiento sea incompatible con el de sus contratas con los patronos.

ARTICULO 26.

Podrán asimismo los colonos comparecer en juicio contra sus patronos representados del modo prescrito en el artículo diez y siete y contra personas extrañas por sus mismos patronos, si estos quisieren tomar á su cargo la defensa. Cuando el patrono se excusare de este cargo, ó cuando en el proceso con un tercero tuviere un interes opuesto al de su colono, deberá ser este representado tambien por el síndico en primera instancia y por el fiscal de S. M. en segunda.

ARTICULO 27.

Los colonos que hayan celebrado sus contratas siendo menores de veinte años tendrán derecho á rescindirlas cuando cumplan los veinte y cinco. Los que se hayan contratado siendo mayores de veinte años, tendrán igual derecho á los seis años de contrata. Los patronos podrán á su vez rescindirlas en los mismos plazos en que los colonos tengan este derecho. En todo caso no podrá el colono hacer uso del derecho que se le reconoce en este artículo miéntras no indemnice á su patrono con su trabajo ó en otra forma de lo que le debiere.

ARTICULO 28.

Todo colono podrá redimirse en cualquier tiempo de la potestad de su patrono siempre que le abone al

contado. Primero. La cantidad que haya satisfecho por su adquisicion. Segundo. Lo que el mismo colono le debe por indemnizacion del trabajo ú otro motivo cualquiera. Tercero. El mayor valor que á juicio de peritos hayan adquirido los servicios del colono desde que entró en poder del patrono. Cuarto. El importe de los perjuicios que á este puedan seguirse por la dificultad de reemplazar al colono con otro semejante. El colono no podrá hacer uso de este derecho en tiempo de zafra ú otra faena perentoria de las permitidas en los dias festivos.

ARTICULO 29.

Cuando algun patrono tratare con sevicia á su colono ó faltare á las obligaciones contraidas con él, podrá acudir el colono al protector delegado y este acordar la rescision del contrato si oyendo á ámbas partes se convenciere de la justicia de la queja. La rescision se acordará en este caso sin indemnizar al patrono de lo que haya dado por la adquisicion del colono y sin perjuicio de la accion civil ó penal que á uno ú otro pueda corresponder.

ARTICULO 30.

En los dias y horas de descanso podrán los colonos trabajar por su cuenta dentro del establecimiento ó finca donde residan y si quieren trabajar fuera deberán obtener previamente el permiso del patrono. En los mismos dias y horas podrán tambien entregarse á diversiones honestas que no alteren la disciplina del establecimiento ó finca.

ARTICULO 31.

Los colonos dispondrán libremente del producto de sus bienes y del de su trabajo en los dias y horas de descanso, pero no podrán establecer tráfico alguno al menudeo contra la voluntad de su patrono,

ARTICULO 32.

Siempre que el colono trate de enagenar bienes propios, muebles ó semovientes, lo pondrá en conocimiento de su patrono, el cual será preferido por el tanto á otro cualquier adquirente.

ARTICULO 33.

Cuando el patrono conceda á su colono alguna suerte de tierra para que la cultive en los dias y horas de descanso, adquirirá el colono los frutos íntegros á ménos que su patrono haya estipulado con él otra cosa.

ARTICULO 34.

Los colonos no podrán salir de la finca ó establecimiento en que sirvieren sin permiso escrito de su patrono, ó su delegado. Los que fueren encontrados sin este documento deberán ser aprehendidos por la Autoridad y conducidos de cuenta del patrono, al punto de donde salieron.

ARTICULO 35.

Cuando en las contratas se haya estipulado dar á los colonos alimentos de especie determinada ó vestidos de forma ó calidad expresa, y ocurrieren circunstancias que impidan al patrono proveerse de unos ú otros se podrá alterar la especie, calidad ó forma de ámbos, pero no su cantidad.—Si los colonos no se conformasen con este cambio acudirán á su protector quien decidirá sobre la queja, conciliando en cuanto sea posible los intereses de las partes, pero adoptando en todo caso una resolucion que satisfaga el derecho esencial de los colonos.

ARTICULO 36.

Cualesquiera que sean los términos en que se haya estipulado en los contratos la asistencia médica á favor

de los colonos comprenderá este no solo la asistencia del facultativo, sino tambien las medicinas y alimentos que durante la enfermedad y convalescencia prescriban los médicos.

ARTICULO 37.

Los colonos trabajarán para sus patronos todos los dias no festivos el número de horas convenido en las contratas.—Se entienden por dias no festivos para los efectos de este artículo todos aquellos en que el precepto de la Iglesia no prohibe trabajar y los que no obstante la fiesta que en ellos se celebre, fueren expresamente habilitados para el trabajo por la Autoridad eclsiástica.

ARTICULO 38.

En ningun caso y á pesar de cualquiera estipulacion en contrario podrán exigir los patronos de sus colonos mas de doce horas diarias de trabajo por término medio.

ARTICULO 39.

Cuando se haya consignado en la contrata el derecho del patrono para distribuir de la manera mas conveniente á sus intereses el número de horas de trabajo convenida con el colono, segun lo prescrito en el número sexto del artículo sexto se entenderá limitado aquel derecho de modo que nunca se pueda obligar al colono á trabajar mas de quince horas en un dia, y que siempre le queden á lo ménos seis horas seguidas de descanso de noche ó de dia.—Si en la contrata no se hubiere estipulado dicho derecho no podrá el patrono exigir del colono mas horas de trabajo en cada dia que las convenidas.

ARTICULO 40.

El colono deberá prestar á su patrono todos los servicios lícitos que este le exija, á ménos que se hayan de-

terminado en la contrata los que han de ser de cargo del primero con exclusion de otro alguno.—En este caso se podrá resistir el colono á emplearse en trabajos diferentes de los estipulados.—Tambien podrá el patrono arrendar á un tercero los servicios de su colono siempre que estos sean de los estipulados en la contrata ó que no se oponga á ello alguna condicion de la misma.

ARTICULO 41.

Cuando el colono estuviere enfermo ó convaleciente, no podrá ser obligado á trabajar miéntras el facultativo no declare que puede volver al trabajo sin peligro para su salud.

ARTICULO 42.

Los patronos abonarán á sus colonos el salario estipulado en la forma y con las condiciones convenidas en la contrata.

ARTICULO 43.

Los colonos percibirán todo su salario miéntras estuvieren enfermos ó convalecientes de enfermedades contraidas por consecuencias del trabajo ó por cualquiera causa dependiente de la voluntad del patrono.—Si la enfermedad procediere de causas diferentes no tendrá el colono tal derecho, como no lo haya estipulado en la contrata.

ARTICULO 44.

El colono que segun contrata deba percibir salario durante sus enfermedades provenientes de cualesquiera causas no podrá exigirlo sin embargo cuando la enfermedad proceda de actos propios ejecutados con malicia.

ARTICULO 45.

Para todos los efectos de los dos artículos anteriores y del treinta y seis, se calificarán las enfermedades de los colonos por los facultativos de la finca ó establecimiento en que estos trabajaren y en su defecto por dos médicos designados por el patrono. Si el colono no se conformare con su parecer podrá acudir al protector delegado á fin de que por su órden le reconozcan de nuevo dos facultativos uno nombrado por él y otro por el patrono á cuya decision se sujetarán ámbas partes sin mas recurso. Si los médicos nombrados por el patrono y el colono discordaren entre sí, se nombrará por el protector delegado uno tercero, cuyo parecer será decisivo.

ARTICULO 46.

Los colonos indemnizarán á sus patronos de los dias y horas que por culpa propia dejen de trabajar, prolongando su contrata el tiempo necesario para ello.—Por los dias de trabajo perdidos por su culpa no devengará el colono salario alguno á ménos que en la contrata se haya estipulado expresamente lo contrario.—Lo dispuesto en este artícnlo tendrá lugar, sin perjuicio de las otras penas en que pueda incurrir el colono por la culpa de que se trata.

ARTICULO 47.

Para la ejecucion de lo dispuesto en el primer párrafo del artículo anterior los dueños ó encargados de las fincas ó establecimientos en que trabajen los colonos llevarán libros de cuenta y razon del trabajo diario que aquellos hicieren y de lo que se les pagare, de manera que en cualquier tiempo pueda hacerse á cada uno la liquidacion de lo que debiere ó acreditare y saberse en el primer caso por cuanto tiempo se deberán prolongar las respectivas contratas.

ARTICULO 48.

Al fin de cada mes ss cerrará la cuenta correspondiente al trabajo y pago de cada colono y se le enterará de su resultado á fin de que si tuviere algun reparo que hacer lo exponga desde luego ó acuda al protector en caso de no conformarse con la resolucion del patrono.

ARTICULO 49.

La cláusula que con arreglo al artículo sexto párrafo octavo deberá contener toda contrata de sujetarse el colono á la disciplina de la finca ó establecimiento en que haya de trabajar y cualquiera otra que le obligue á obedecer las órdenes de su patrono, se entenderán siempre con la salvedad de que las reglas ú órdenes que se prescriban al colono no sean contrarias á otras condiciones de la misma contrata ni á lo dispuesto en este reglamento.

ARTICULO 50.

Cuando se fugare algun colono de la finca ó establecimiento en que sirviere dará parte el patrono á la autoridad local á fin de que practique en su busca las diligencias necesarias.—El patrono abonará desde luego los gastos que ocasione su captura y restitucion, pero tendrá derecho á indemnizarse de ellos descontando al colono fugitivo la mitad del salario que deveugare.

ARTICULO 51.

El patrono que tuviere á su servicio colonos no católicos procurará enseñarles los dogmas y la moral de la verdadera religion, pero sin emplear otros medios para ello que la persuacion y el convencimiento; y si alguno manifestare deseos de convertirse á la fé católica lo pondrá en conocimiento del párroco respectivo para lo que corresponda.

ARTICULO 52.

Cuando un colono reciba agravio ú ofensa que no constituya delito en su persona ó sus intereses de un hombre libre ó de otro colono de distinta dependencia, tomará el patrono conocimiento del hecho y si creyeren justa la queja pedirá al ofensor ó su patrono la reparacion debida por medios amistosos ó extrajudiciales; y si estos no fuesen bastantes para conseguirla, la reclamará ante la autoridad competente ò dará parte del hecho al Síndico para que la reclame. Si no creyese fundada la queja el colono se lo hará entender así exhortándole á que desista de su propósito; mas si el colono no se conformare con su decision podrá acudir al Síndico para que entable la demanda correspondiente.—Cuando la queja se dirigiere contra otro colono sujeto á la dependencia del mismo patrono decidirá este ó su delegado la cuestien del modo que estime justo.—Contra esta decision podrá apelar cualquiera de las partes al protector ó su delegado, quien conocerá del negocio en la forma prescrita en el artículo diez y ocho.

ARTICULO 53.

Los introductores de colonos y los patronos que faltaren á cualquiera de las obligaciones ó formalidades prescritas en este y en el anterior capítulo incurrirán en una multa proporcionada á la gravedad de la falta que les será impuesta gubernativamente sin perjuicio de la responsabilidad penal ó civil á que puedan quedar sujetos y que habrá de exigírseles por la autoridad y en la forma correspondiente.

ARTICULO 54.

Los colonos no podrán reclamar en ningun tiempo de su patrono, del gobierno, ni de los introductores el pago de los gastos del viaje de regreso á su pais como expresamente no lo hayan estipulado en sus contratas.

ARTICULO 55.

Concluido el tiempo de la contrata tendrán los colonos todos los derechos que respectivamente les correspondan segun su origen como españoles, ó como extrangeros sin diferencia alguna entre ellos y los que nunca hayan sido colonos.

CAPITULO III.

De la jurisdiccion disciplinar de los patronos.

——:o:——

ARTICULO 56.

Los patronos ejercerán sobre sus colonos jurisdiccion disciplinar y en virtud de ella podrán imponerles las correcciones siguientes: Primera. Arresto de uno á diez dias. Segunda. Pérdida del salario durante el mismo tiempo. La primera de estas correcciones podrá imponerse sin la segunda pero esta nunca se podrá aplicar sin aquella.

ARTICULO 57.

Cuando el patrono imponga á su colono cualquiera de los castigos señalados en el artículo anterior dará parte dentro de las veinte y cuatro horas siguientes al protector respectivo, á fin de que este se entere por sí mismo, si lo creyere conveniente á la falta cometida y reforme si le pareciere injusta la sentencia del patrono. El patrono que omitiere dar dicho parte en el término prefijado deberá ser corregido gubernativamente con multa desde veinte y cinco á cien pesos.

ARTICULO 58.

Los colonos podrán en todo caso quejarse al protector de cualquiera agravio que les hagan sus patronos, bien sea castigándoles sin razon, bien imponiéndoles

penas que uo estén en sus facultades ó bien cometiéndo en el trato con ellos cualquiera otra falta. Si el protector hallare culpable al patrono de algun delito lo denunciará al tribunal competente y sí solo de falta leve le impondrá por sí una multa que no exceda de cien pesos.

ARTICULO 59.

Para asegurar el cumplimiento de lo dispuesto en los dos artículos anteriores podrán los protectores por sí ó por medio de otros funcionarios delegados visitar cuando lo crean conveniente las fincas ó establecimientos en que haya colonos y tomar de ellos los informes que juzguen oportunos.

ARTICULO 60.

Los delegados del patrono en la finca ó establecimiento en que trabajaren los colonos podrán ejercer tambien la jurisdiccion disciplinar, pero bajo la responsabilidad pecuniaria del mismo patrono y sin perjuicio de la penal en que ellos puedan incurrir.

ARTICULO 61.

Serán castigados disciplinarmente; Primero. Las faltas de subordinacion á los patronos á los gefes de los establecimientos industriales ó á cualquiera otro delegado del patrono. Segundo. La resistencia al trabajo ó la falta de puntualidad en el desempeño de las tareas encomendadas al colono. Tercero. Las injurias que no produzcan lesiones que obliguen al ofendido á suspender el trabajo. Cuarto la fuga. Quinto. La embriaguez. Sexta. La infraccion de las reglas de disciplina establecidas por el patróno. Sétimo. Cualquier ofensa á las buenas costumbres siempre qne no constituya delito de ios que no puedan perseguirse sino á instancia de parte ó que contituyendo delito de esta especie no se querelle de él la parte ofendida. Octavo. Cualquiera otro hecho ejecutado con malicia y del que se infiera á un tercero agravio ó perjuicio y no constituya sin embargo delito de los que pueden perseguirse de oficio con arreglo á las leyes.

ARTICULO 62.

La jurisdiccion disciplinar se ejercerá por los patronos sin perjuicio del derecho de un tercero ofendido para exigir que el colono ofensor sea castigado por los tribunales si hubiere lugar á ello.

ARTICULO 63.

En todos los casos de responsabilidad penal ó civil en que no sean los patronos jueces competentes segun lo dispuesto en el artículo sesenta y uno deberán conocer los tribunales ordinarios á los cuales se presentarán los colonos representados en la forma prescrita en el artículo veinte y seis.

ARTICULO 64.

Cuando las correcciones señaladas en el artículo cincuenta y seis no fueren bastantes para evitar las reinsidencias del colono en las mismas ó distintas faltas, acudirá el patrono al protector quien determinará si el hecho constituye delito segun las leyes, que el culpable sea castigado con arreglo á ellas, y en el caso opuesto, la agravacion de las penas disciplinares.

ARTICULO 65.

En el caso en que los colonos de una finca se insubordinaren ó resistieren á viva fuerza y colectivamente las órdenes de sus superiores, podrá el patrono emplear tambien la fuerza para sujetarlos, dando parte inmediatamente al protector delegado á fin de que si la gravedad del caso lo exigiere disponga que los culpables sean castigados en el acto á presencia de los demas colonos.

ARTICULO 66.

Quedan derogados los reglamentos vigentes hasta el dia relativos á los colonos chinos y yucatecos.

Disposicion general.

El Gobernador Capitan General de la Isla adoptará las disposiciones convenientes para que todos las años por el mes de Enero se formen ó rectifiquen los padrones de los colonos expresándose en ellos su nombre su sexo, su edad, su nacion, su estado, el trabajo á que estuvieren dedicados el tiempo de su contrata y el nombre, profesion y domicilio de los patronos respectivos.—La misma autoridad enviará á la Presidencia del Consejo de Ministros un resúmen anual de dichos padrones en que conste el número de colonos de cada nacion clasificados por sexos, por edades hasta quince años, desde quince á cincuenta y desde esta edad en adelante, por estados, soltero, casado y viudo, por ocupaciones segun sean estas agrícolas, industriales ó domésticas, por los distritos en que residen y por tiempo de duracion de sus contratas, segun sean estas de ménos de cinco años, de cinco á diez años, de diez á quince y de quince años en adelante.—Dado en Palacio á veinte y dos de Marzo de mil ochocientos cincuenta y cuatro.—Está rubricado de la Real mano.—El Presidente del Consejo de Ministros.—Luis José Sartorius."

De Real órden lo comunico á V. E. para su conocimiento y efectos correspondientes. Dios guarde á V.E. muchos años. Madrid 22 de Marzo de 1854.—*San Luis.*

Sr. Gobernador Capitan General de la isla de Cuba."

Cuyo Real decreto comunico á V. para su inteligencia y cumplimiento en sustitucion de la Ordenanza provisional vigente, sin otra instruccion ejecutiva por hallarse acorde con todo lo prevenido anteriormente.

Dios guarde á V. muchos años. Habana 10 de Mayo de 1854.—*El Marqués de la Pezuela.*

Señor.....

Como Secretario por S. M. de este Gobierno Superior, certifico que la precedente circular ha sido expedida en la fecha citada disponiendo S. E. que se inserte en la Gaceta oficial para conocimiento y cumplimiento de quienes corresponda.—Habana 10 de Mayo de 1854. *José Estévan.*

GOBIERNO, CAPITANIA GENERAL

Y

SUPERINTENDENCIA DELEGADA DE HACIENDA

DE LA SIEMPRE FIEL ISLA DE CUBA.

——:o:——

SECRETARIA DE GOBIERNO.

Por Real órden de 7 de Julio último se ha comunicado á este Gobierno Superior civil el Real decreto siguiente:

"Deseando proporcionar á la agricultura de la isla de Cuba los brazos que le son necesarios para que su prosperidad no decaiga, y considerando que la introduccion de trabajadores chinos es, entre todos los ensayos hasta ahora practicados en aquella provincia, el que menos inconvenientes presenta, de conformidad con lo propuesto por el Ministerio de la Guerra y de Ultramar, de acuerdo con el parecer del Consejo de Ministros y oido el del Estado, vengo en aprobar el siguiente reglamento para lo introduccion y régimen de los trabajadores chinos en la expresada Isla.

REGLAMENTO

para la introduccion de los trabajadores chinos en la isla de Cuba.

——:o:——

CAPITULO I.

De la introduccion de los trabajadores

——:o:——

ARTICULO 1º

Se autoriza la inmigracion de trabajadores chinos en la isla de Cuba con arreglo á las prescripciones del presente reglamento.

ARTICULO 2º

Todo importador de chinos deberá tener un consignatario en la isla de Cuba, el cual ha de ser propietario de notorio arraigo, residente en la misma, ó comerciante en ella establecido.

No podrán tener esta consignacion las sociedades por acciones: las que por sus estatutos se hallen en aptitud legal de dedicarse á esta empresa necesitarán no obstante nombrar un consignatario de las cualidades referidas, aun cuando sea la Habana el domicilio de dichas sociedades.

ARTICULO 3º

El consignatario de que habla la base anterior, es el inmediato responsable de la falta de cumplimiento de las disposiciones del presente reglamento, por lo que toca á la empresa que representa, sin pnrjuicio de la responsabilidad que corresponda al capitan y oficiales del buque.

ARTICULO 4º

El consignatario autorizado de toda empresa de inmigracion deberá dar conocimiento al Gobernador Capitan general de la isla de Cuba del nombre, cabida, matrícula y capitan de cada buque que se flete por cuenta de la misma para la importacion, y del número aproximado de chinos que en él se proponga llevar.

El Gobernador Capitan general publicará inmediatamente en la Gaceta de la Habana estas declaraciones, y lo comunicará por el primer correo á mi Gobierno.

ARTICULO 5º

La intervencion y autorizacion del Cónsul de España en China ó de sus agentes ó delegados, segun el punto de la contrata ó del embarque, son requisitos absolutamente indispensables para que los chinos puedan ser recibidos en la isla de Cuba. El Cónsul y sus agentes son directamente responsables de que los dichos embarques y contratas ss hallen ajustados á lo prevenido en este reglamento.

ARTICULO 6º

Toda contrata deberá expresar las circunstancias siguientes:

Primera.—La edad, sexo y pueblo de la naturaleza del chino contratado.

Segunda.—El tiempo que ha de durar la contrata.

Tercera.—El salario y la especie, cantidad y calidad de los alimentos y vestidos que ha de recibir.

Cuarta.—La obligacion de darle asistencia médica durante sus enfermedades.

Quinta.—Si ha de cesar el salario cuando enferme el trabajador por alguna causa que no dimane del trabajo ó sea independiente de la voluntad del patrono.

Sexta.—El número de horas que se oblige el chino á trabajar cada dia, declarándose si el patrono ha de tener facultad de aumentarlas algunos dias, siempre que compense este aumento con una disminucion análoga en otros.

Sétima.—La obligacion del trabajador contratado á indemnizar al patrono de las horas de trabajo que pierda por su culpa.

Octava.—La obligacion del mismo trabajador á sujetarse á la disciplina de la finca, taller ó establecimiento á que se les destine.

Novena.—Una cláusula concebida en estos términos.

"Yo, N. N., me conformo con el salario estipulado, aunque sé y me consta que es mucho mayor el que ganan los jornaleros libres y los esclavos en la isla de Cuba, porque esta diferencia la juzgo compensada con las otras ventajas que ha de proporcionarme mi patrono y son las que aparecen de este contrato."

Y décimo.—Las firmas de los contratantes, ó en defecto de la del trabajador, la de dos testigos.

ARTICULO 7º

Es condicion esencial y deberá ser cláusula expresa de toda contrata con los chinos, además de las prevenidas en el artículo anterior, la de que terminado el tiempo de su empeño como trabajador, no podrá permanecer en la isla de Cuba sinó contratado de nuevo con el mismo carácter, como aprendiz ú oficial bajo la responsabilidad de un maestro, ó como destinado á la agricultura, criado doméstico, garantido por su amo, debiendo en otro caso salir de la Isla á sus expensas y siendo apremiado á hacerlo á los dos meses de terminada la contrata.

ARTICULO 3º

El consignatario de que habla la base anterior, es el inmediato responsable de la falta de cumplimiento de las disposiciones del presente reglamento, por lo que toca á la empresa que representa, sin pnrjuicio de la responsabilidad que corresponda al capitan y oficiales del buque.

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El Gobernador Capitan general publicará inmediatamente en la Gaceta de la Habana estas declaraciones, y lo comunicará por el primer correo á mi Gobierno.

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La intervencion y autorizacion del Cónsul de España en China ó de sus agentes ó delegados, segun el punto de la contrata ó del embarque, son requisitos absolutamente indispensables para que los chinos puedan ser recibidos en la isla de Cuba. El Cónsul y sus agentes son directamente responsables de que los dichos embarques y contratas ss hallen ajustados á lo prevenido en este reglamento.

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Primera.—La edad, sexo y pueblo de la naturaleza del chino contratado.

Segunda.—El tiempo que ha de durar la contrata.

Tercera.—El salario y la especie, cantidad y calidad de los alimentos y vestidos que ha de recibir.

Cuarta.—La obligacion de darle asistencia médica durante sus enfermedades.

Quinta.—Si ha de cesar el salario cuando enferme el trabajador por alguna causa que no dimane del trabajo ó sea independiente de la voluntad del patrono.

Sexta.—El número de horas que se oblige el chino á trabajar cada dia, declarándose si el patrono ha de tener facultad de aumentarlas algunos dias, siempre que compense este aumento con una disminucion análoga en otros.

Sétima.—La obligacion del trabajador contratado á indemnizar al patrono de las horas de trabajo que pierda por su culpa.

Octava.—La obligacion del mismo trabajador á sujetarse á la disciplina de la finca, taller ó establecimiento á que se les destine.

Novena.—Una cláusula concebida en estos términos.

"Yo, N. N., me conformo con el salario estipulado, aunque sé y me consta que es mucho mayor el que ganan los jornaleros libres y los esclavos en la isla de Cuba, porque esta diferencia la juzgo compensada con las otras ventajas que ha de proporcionarme mi patrono y son las que aparecen de este contrato."

Y décimo.—Las firmas de los contratantes, ó en defecto de la del trabajador, la de dos testigos.

ARTICULO 7º

Es condicion esencial y deberá ser cláusula expresa de toda contrata con los chinos, además de las prevenidas en el artículo anterior, la de que terminado el tiempo de su empeño como trabajador, no podrá permanecer en la isla de Cuba sinó contratado de nuevo con el mismo carácter, como aprendiz ú oficial bajo la responsabilidad de un maestro, ó como destinado á la agricultura, criado doméstico, garantido por su amo, debiendo en otro caso salir de la Isla á sus expensas y siendo apremiado á hacerlo á los dos meses de terminada la contrata.

ARTICULO 8º

Las contratas con los chinos se extenderán cuadruplicadas, y las traducirá por duplicado el intérprete del consulado.

El Cónsul ó su agente autorizará los cuatro ejemplares, dévolverá uno al representante de la empresa y remitirá los tres restantes cada uno con la traduccion respectiva, uno á Mi Gobierno y dos al Gobernador Capitan general de la isla de Cuba, quien reservará su traduccion y un ejemplar, y entregará el otro al chino, para que lo conserve en su poder, luego que haya sido declarada legítima su introduccion.

ARTICULO 9º

De los chinos qué se embarquen en cada buque ha de formar el que los remita una lista cuádriple, con expresion de sexo, edad y demas señas personales, la cual firmará y entregará el Cónsul de España, ó su Agente.

Este autorizará los cuatro ejemplares, devolverá uno al remitente, se reservará otro, y remitirá directa y respectivamente los otros dos á Mi Gobierno y al Gobernador Capitan general de la isla de Cuba.

ARTICULO 10.

Si los trabajadores fueren menores de edad, no podrán contratarse con los introductores sin el consentimiento de la persona de que dependan.

ARTICULO 11.

Los importadores de trabajadores no embarcarán en cada buque mas que una persona por cáda dos toneladas, entendiéndose que este espacio ó capacidad debe ser en el ámbito total, que queda para alojamiento, despues de la carga ó estiva principal del buque.

ARTICULO 12.

Será además, obligacion de los introductores:

Primero.—Proveer los buques de agua y de alimentos sanos en cantidad proporcionada al número de personas que conduzcan y la distancia que han de recorrer.

Segundo.—Adoptar las precauciones necesarias, á fin de mantener en dichos buques el aseo y ventilacion indispensables para la salud de los pasageros.

Tercero.—Llevar médico y botiquin á bordo cuando pase de cuarenta el número de las personas embarcadas.

Cuarto.—Sujetarse á su llegada á cualquiera de los puertos de la Isla á los reglamentos de sanidad y de policía que en ellos rigieren.

ARTICULO 13.

Para asegurar la observancia de este reglamento no podrán ser introducidos los trabajadores sinó por el puerto de la Habana, excepto en caso de naufragio ú otro accidente inevitable que haga forzosa la arribada y desembarco en otro puerto.

ARTICULO 14.

El Cónsul de España en China dará conocimiento circunstanciado, directamente y por la via mas corta á Mi Gobierno y al Gobernador Capitan general de la isla de Cuba de todo buque que con este destino salga de aquellos puertos conduciendo chinos.

ARTICULO 15.

Dentro de las veinte y cuatro horas de fondeado cada buque importador de chinos, su consignatario hará ó será apremiado á hacer un depósito en el Banco Español de la Habana de cincuenta pesos por cada chino de los embarcados, sin perjuicio de lo que por regla general se establece en el artículo tercero.

Aquella suma queda directa y especialmente destinada en defecto de la empresa al pronto cumplimiento de las medidas de sanidad que puedan reclamar el estado de los chinos, al inmediato y debido alojamiento y asistencia de los mismos, en el propio caso de no facilitarlos la empresa, á las reparaciones pecuniarias que á los chinos sean debidas por sucesos ocurridos en el embarque, durante la navegacion, ó á su llegada, y cubiertas estas atenciones, al pago de las multas en que incurra la empresa.

Este depósito ó su remanente será devuelto al consignatario luego que en todo ó en parte quede declarado á cubierto de las anteriores responsabilidades.

ARTICULO 16.

Cuando del primer exámen de los papeles del buque resulte que la mortalidad de los chinos durante el viaje ha excedido de seis por ciento, se abrirá una formacion especial sobre su causa; y segun el resultado del expediente, impondrá el Gobernador Capitan general, oida la junta Superior de Sanidad y la de Fomento, la multa correspondiente ó lo pasará á los tribunales para la formacion de causa si procede.

ARTICULO 17.

Dentro de las veinte y cuatro horas siguientes á la llegada del buque ó á su admision á libre plática, presentará el consignatario una lista de los trabajadores que hubiere embarcados, con expresion de los que hubieren fallecido durante la travesía y de las causas que hayan motivado su muerte.

El Gobernador Capitan general, en vista del documento presentado y despues de practicadas las diligencias que estime necesarias para evitar todo fraude, permitirá el desembarco.

ARTICULO 18.

A los dos meses de terminada su contrata deberá el chino haberla renovado acomodándose en su clase de aprendiz ú oficial de maestro reconocido ó como sirviente destinado á la agricultura ó doméstico ó haber salido de la Isla segun se previene en el artículo sétimo; y así sucesivamente á medida que cumplan sus empeños; en caso de no hacerlo, se le destinará como operario á las obras públicas por solo el tiempo preciso para que cubiertos sus gastos personales resulte el sobrante necesario que se destinará á embarcarle con el destino que el mismo elija, ó designe el Gobernador Capitan general en su defecto.

ARTICULO 19

La repeticion de abusos graves por parte de la empresa ó la insolvencia manifiesta del consignatario ó de su representado, llevarán consigo la pérdida de la autorizacion para que continúen en este tráfico.

En el caso de insolvencia el Gobernador Capitan general intimará á la empresa que designe otro consignatario aceptable en el término de dos meses, y no verificándolo esta, serán rechazadas las manifestaciones de fletes que haga la misma, y las expediciones que lleguen se considerarán como las despachadas sin las formalidades de este reglamento.

ARTICULO 20.

La falta de consignatario prévio, ó de manifestacion anticipada del flete del buque y número probable de los chinos que en él se piensa embarcar, la no intervencion del Cónsul de España ó sus agentes en la contrata y embarque de los chinos y en la habilitacion del buque, y el fallo de los tribunales en los casos graves que reclamen la formacion de causa, producirán la pérdida de todos los derechos de la empresa sobre los chinos.

ARTICULO 21.

En el caso del artículo anterior dispondrá el Gobernador Capitan general el desembarque y alojamiento de los chinos á expensas del consignatario y dejará á los mismos en libertad para que se contraten como trabajadores menestrales, criados de labor ó domésticos, adoptando aquellas medidas que mas eficazmente protejan al chino contra las desventajas de su situacion.

ARTICULO 22.

Si trascurridos dos meses desde el desembarque no hubieren logrado los chinos de que trata el artículo anterior su acomodo ó hubieren manifestado en cualquier tiempo su ánimo de no contratarse en la Isla, el Gobernador Capitan general exigirá del consignatario la suma necesaria para la reexportacion de todos ellos y la dispondrá directamente con las mayores garantías posibles, consultando en lo que sea dable la voluntad de los chinos.

ARTICULO 23.

Los introductores de trabajadores chinos podrán cederlos á otros empresarios ó á hacendados y particulares bajo las condiciones que estimen convenientes siempre que estos se obliguen á cumplir las contratas celebradas con los dichos trabajadores y se sujeten á las prescripciones de este reglamento.

Igual facultad tendrán bajo las mismas condiciones los cesionarios de los chinos; serán nulas las cesiones de estos que se verifiquen alterando las condiciones de las contratas primitivas.

ARTICULO 24.

Tanto los introductores como los cesionarios en su caso darán parte al Gobernador Capitan general del número de trabajadores que reciban ó cedan dentro de las

veinte y cuatro horas siguientes á la consumacion del contrato, expresando el nombre, sexo, edad de aquellos y el buque en que llegaron y el punto á donde van á residir.

ARTICULO 25.

De las cesiones de trabajadores chinos que se verifiquen se tomará nota en los libros que han de llevarse en la Secretaría política.

ARTICULO 26.

No podrá trasladarse la residencia de los trabajadores de un punto á otro de la Isla sin ponerla préviamente en conocimiento del Gobierno.

ARTICULO 27.

Los buques que lleguen conduciendo mujeres chinas, estarán exentos del pago de derechos de tonelada por el lugar correspondiente á estas.

ARTICULO 28.

Las faltas de cumplimiento de las disposiciones de este reglamento por la empresa ó su consignatario no comprendidas en las disposiciones anteriores, serán castigadas por el Gobernador Capitan general, oyendo al Real Acuerdo, con las multas de mil á cinco mil pesos, sinó se refieren á la seguridad y buen trato de los chinos, y de dos mil á diez mil en este último caso.

ARTICULO 29.

Las multas de que trata el artículo anterior y las resoluciones que adopte el Gobernador Capitan general aplicando este reglamento á los casos particulares, son reclamables gubernativamente ante Mi Gobierno.

ARTICULO 30.

Sin perjuicio de los casos expresados en el reglamento y en todos aquellos en que el Gobernador Capitan general impongan las multas que quedan establecidas, pasará esta Autoridad el expediente á Mi Fiscal en aquella Audiencia para que si lo estima de su deber, dé las instrucciones convenientes al Promotor Fiscal que corresponda á fin de que en nombre de los chinos deduzca contra la empresa las acciones que procedan.

CAPITULO II.

De las obligaciones y derechos recíprocos de los trabajadores y sus patronos.

——:o:——

ARTICULO 31.

El Gobernador Capitan general de la isla de Cuba será el protector nato de los trabajadores chinos y ejercerá esta cargo en los distritos por medio de sus delegados los Gobernadores ó Tenientes Gobernadores respectivos, quienes á su vez serán auxiliados sin necesidad de delegacion prévia por los Capitanes de partido.

Estos funcionarios procederán en todo caso bajo la direccion y dependencia de los Gobernadores.

ARTICULO 32.

Serán defensores de los trabajadores en sus negocios de justicia y en defecto de sus patronos en primera instancia los Promotores Fiscales de las Alcaldías mayores, y en segunda el Fiscal de Mi Real Audiencia Pretorial.

ARTICULO 33.

Los protectores delegados velarán por el buen trato de los trabajadores y el cumplimiento de sus contratos: propondrán al protector nato las medidas que estimen

convenientes para su bienestar y fomento, y resolverán de plano y sin forma de juicio las cuestiones que se susciten entre los trabajadores y sus patronos.

Si estas cuestiones envolviesen algun punto de derecho las resolverá el protector en juicio verbal oyendo *in voce* las partes y con dictámen de asesor.

Si el asunto fuese de mayor cuantía con arreglo á las leyes se decidirá por quien corresponda, y segun los trámites establecidos para los juicios del mismo nombre.

ARTICULO 34.

Los trabajadores al firmar ó aceptar sus contratos con los introductores se entiende que renuncian al ejercicio de todos los derechos civiles que no sean compatibles con el cumplimiento de las obligaciones que contraigan, á ménos que se trate de algun derecho expresamente declarado por este reglamento.

ARTICULO 35.

Los trabajadores podrán contraer matrimonio con el consentimiento de sus patronos.

Si un trabajador mayor de edad intentase contraerlo y su patrono se opusiera, podrá redimirse de su potestad con las condiciones prescritas en el artículo cuarenta y dos, ó buscar otro patrono que lo adquiera con las mismas condiciones.

ARTICULO 36.

Los trabajadores ejercerán sobre sus hijos todos los derechos de la pátria potestad, y sobre sus mujeres los de la potestad marital en cuanto unos y otros son compatibles con la condicion legal de los mismos hijos y mujeres.

ARTICULO 37.

Los hijos de los trabajadores seguirán la condicion de sus madres todo el tiempo que dure el contrato de estas si nacieren durante el mismo; pero al cumplir los diez y ocho años serán enteramente libres aunque sus madres continúen contratadas.

Los hijos menores que tengan las mujeres al tiempo de contratarse, seguirán la condicion que las mismas estipulen con los contratistas.

Si nada hubieren estipulado, serán enteramente libres, pero tendrán derecho á ser alimentados, albergados y vestidos por los patronos de sus madres, con las condiciones establecidas para estas, hasta cumplir doce años.

ARTICULO 38.

El mismo derecho tendrán los hijos de los trabajadores bajo el poder de los patronos de sus madres, miéntras sigan la condicion de estas; pero con la obligacion de prestar entre tanto á dichos patronos los servicios de que sean capaces segun su edad.

ARTICULO 39.

Los trabajadores casados no podrán ser cedidos á ninguna persona que no adquiera al mismo tiempo al cónyuje respectivo y á los hijos menores de doce años que tuvieren.

Los patronos no podrán obligar tampoco á vivir habitualmente separados los maridos de las mujeres ni estas de sus hijos menores de doce años.

ARTICULO 40.

Los trabajadores podrán adquirir bienes y disponer de los que les pertenezcan por título honroso ó lucrativo siempre que los contratos que celebren no envuelvan alguna condicion expresa ó tácita, cuyo cumplimiento sea incompatible con el de sus contratas con los patronos.

ARTICULO 41.

Podrán asimismo los trabajadores comparecer en juicio contra sus patronos representados del modo prescrito en el artículo treinta y dos y contra personas extrañas por sus mismos patronos, si estos quisieren tomar á su cargo la defensa.

Cuando el patrono se excusare de este cargo, ó cuando en el proceso con un tercero tuviese un interés opuesto al de su trabajador, deberá ser este representado tambien por el Promotor Fiscal de la Alcaldía mayor correspondiente en primera instancia y por el Fiscal de Mi Real Audiencia en segunda.

ARTICULO 42.

Los trabajadores que hayan celebrado sus contratas siendo menores de veinte años, tendrán derecho á rescindirlas cuando cumplan los veinte y cinco.

Los que hayan contratado siendo mayores de veinte años, tendrán igual derecho á los seis años de contrata.

Los patronos podrán á su vez rescindirla en los mismos plazos en que los trabajadores tengan este derecho.

En todo caso no podrá el trabajador hacer uso del derecho que se le reconoce en este artículo, miéntras no indemnice á su patrono con su trabajo ó en otra forma de lo que le debiera.

ARTICULO 43.

Todo trabajador podrá redimirse en cualquier tiempo de la potestad de su patrono siempre que le abone al contado:

Primero.—La cantidad que haya satisfecho por su adquisicion.

Segundo.—Lo que el mismo trabajador le deba por indemnizacion de trabajo ú otro motivo cualquiera.

Tercero.—El mayor valor que á juicio de peritos hayan adquirido los servicios del trabajador desde que entra en poder del patrono.

Cuarto.—El importe de los perjuicios que á este puedan seguirse por la dificultad de reemplazar al trabajador con otro semejante.

El trabajador no podrá hacer uso de este derecho en tiempo de zafra ú otra faena perentoria de las permitidas en los dias festivos.

ARTICULO 44.

Cuando algun patron tratase con sevicia á su trabajador ó faltare á las obligaciones contraidas con él, podrá acudir el trabajador al protector delegado y este acordar la rescision del contrato, si oyendo á ámbas partes se convenciese de la justicia de la queja.

La rescision se acordará en este caso sin indemnizar al patrono de lo que haya dado por la adquisicion del trabajador y sin perjuicio de la accion civil o penal que á uno ú otro pueda corresponder.

ARTICULO 45.

En los dias y horas de descanso podrán los trabajadores trabajar por su cuenta dentro del establecimiento ó finca donde residan, y si quisieren trabajar fuera, deberán obtener préviamente el permiso del patrono.

En los mismos dias y horas podrán tambien entregarse á diversiones honestas que no alteren la disciplina del establecimiento ó finca.

ARTICULO 46.

Los trabajadores dispondrán libremente del producto de sus bienes y del de su trabajo en los dias y horas de descanso: pero no podrán establecer tráfico alguno al menudeo contra la voluntad de su patrono.

ARTICULO 47.

Siempre que el trabajador trate de enajenar bienes propios, muebles ó semovientes, lo pondrá en conocimiento de su patrono, el cual será perferido por el tanto á otro cualquier adquirente.

ARTICULO 48.

Cuando el patrono conceda á su trabajador alguna suerte de tierra para que la cultive en los dias y horas de descanso, adquirirá el trabajador los frutos íntegros, á ménos que su patrono haya estipulado con él otra cosa.

ARTICULO 49.

Los trabajadores no podrán salir de la finca ó establecimiento en que sirvieren, sin permiso escrito de su patrono, ó su delegado.

Los que fueren encontrados sin este documento deberán ser aprehendidos por la Autoridad y conducidos de cuenta del patrono al punto de donde salieron.

ARTICULO 50.

Cuando en las contratas se haya estipulado dar á los trabajadores alimentos de especie determinada ó vestidos de forma ó calidad expresa, y ocurrieren circunstancias que impidan al patrono proveerse de unos ú otros, se podrá alterar la especie, calidad ó forma de ámbos, pero no su cantidad.

Si los trabajadores no se conformasen con este cambio acudirán á su protector, quien decidirá sobre la queja, conciliando en cuanto sea posible los intereses de las partes, pero adoptando en todo caso una resolucion que satisfaga el derecho esencial de los trabajadores.

ARTICULO 51.

Cualesquiera que sean los términos en que se haya estipulado en los contratos la asistencia médica á favor de los trabajadores, comprenderá esta no solo la asistencia del facultativo, sinó tambien las medicinas y alimentos que durante la enfermedad y convalecencia prescriban los médicos.

ARTICULO 52.

Los trabajadores trabajarán para sus patronos todos los dias no festivos el número de horas convenido en los contratos.

Se entiende por dias no festivos para los efectos de este artículo todos aquellos en que el precepto de la Iglesia no prohibe trabajar y los que no obstante la fiesta que en ellos se celebre, fuesen habilitados para el trabajo por la Autoridad eclesiástica.

ARTICULO 53.

En ningun caso y apesar de cualquiera estipulacion en contario, podrán exigir los patronos de sus trabajadores mas de doce horas diarias de trabajo por término medio.

ARTICULO 54.

Cuando se haya consignado en la contrata el derecho del patrono para distribuir de la manera mas conveniente á sus intereses el número de horas de trabajo convenidas con el trabajador, segun lo prescrito en el número sexto del artículo sexto, se entenderá limitado aquel derecho de modo que nunca se le pueda obligar á trabajar mas de quince horas en un dia, y que siempre le queden á lo ménos seis horas seguidas de descanso de noche ó de dia.

Si en la contrata no se hubiese estipulado dicho derecho no podrá el patrono exigir del trabajador mas horas de trabajo en cada dia que las convenidas.

ARTICULO 55.

El trabajador deberá prestar á su patrono todos los servicios que este le exija, á ménos que se hayan determinado en la contrata los que han de ser de cargo del primero con exclusion de otro alguno.

En este caso se podrá remitir el trabajador á emplearse en trabajos diferentes de los estipulados.

Tambien podrá el patrono arrendar á un tercero los servicios de sus colonos siempre que estos sean de los estipulados en la contrata ó que no se oponga á ello alguna condicion de la misma.

ARTICULO 56.

Cuando el trabajador estuviese enfermo ó convaleciente no podrá ser obligado á trabajar miéntras el facultativo no declare que puede volver al trabajo sin peligro para su salud.

ARTICULO 57.

Los patronos abonarán á sus trabajadores el salario estipulado en la forma y con las condiciones convenidas en la contrata.

ARTICULO 58.

Los trabajadores percibirán todo su salario miéntras estuvieren enfermos ó convalecientes de enfermedades contraidas por consecuencia, ó por cualquiera causa dependiente de la voluntad del patrono.

Si la enfermedad procediera de causas diferentes no tendrá el trabajador tal derecho como no lo haya estipulado en la contrata.

ARTICULO 59.

El trabajador que segun su contrata deba percibir salario durante sus enfermedades provenientes de cualquirea causa, no podrá exigirlo sin embargo, cuando la enfermedad proceda de actos propios ejecutados con malicia.

ARTICULO 60.

Para todos los efectos de los dos artículos anteriores

y del cincuenta y uno se calificarán las enfermedades de los trabajadores por los facultativos de la finca ó establecimiento en que estos trabajaren, y en su defecto por dos médicos designados por el patrono.

Si el trabajador no se conformare con su parecer, podrá acudir al protector delegado á fin de que por su órden le reconozcan de nuevo dos facultativos, uno nombrado por él y otro por el patrono, á cuya decision se sujetarán ámbas partes sin mas recurso.

Si los médicos nombrados por el patrono y el trabajador discordaren entre sí, se nombrará por el protector delegado un tercero, cuyo parecer será decisivo.

ARTICULO 61.

Los trabajadores indemnizarán á sus patronos de los dias y horas que por culpa propia dejen de trabajar, prolongando su contrato el tiempo necesario para ello.

Por los dias de trabajo perdidos por su culpa no devengará el trabajador salario alguno á ménos que en la contrata se haya estipulado expresamente lo contrario.

Lo dispuesto en este artículo tendrá lugar sin perjuicio de las otras penas en que pueda incurrir el trabajador por la culpa de que se trata.

ARTICULO 62.

Para la ejecucion de lo dispuesto en el primer párrafo del artículo anterior, los dueños ó encargados de las fincas ó establecimientos en que haya trabajadores chinos, llevarán libros de cuenta y razon del trabajo diario que aquellos hicieren y de lo que se les pagare, de manera que en cualquier tiempo pueda hacerse á cada uno la liquidacion de lo que debiere ó acreditare, y saberse en el primer caso por cuanto tiempo se deberán prolongar las respectivas contratas.

ARTICULO 63.

Al fin de caca mes se cerrará la cuenta correspon-

diente al trabajo y pago de cada trabajador y se le enterará de su resultado, á fin de que si tuviere algun reparo que hacer, lo exponga desde luego ó acuda al protector ee caso de no conformarse con la resolucion del patrono.

ARTICULO 64.

La cláusula que con arreglo al artículo sexto, párrafo octavo, deberá contener toda contrata, de sujetarse el trabajador á la disciplina de la finca ó establecimiento en que haya de trabajar, y cualquiera otra que le obligue á obedecer las órdenes de su patrono, se entenderán siempre con la salvedad de que las reglas ú órdenes que se prescriban al trabajador no sean contrarias á otras condiciones de la misma contrata, ni á lo dispuesto en este reglamento.

ARTICULO 65.

Cuando se fugare algun trabajador de la finca ó establecimiento en que sirviera, dará parte el patrono á la autoridad local, á fin de que practique en su busca las diligencias necesarias.

El patrono abonará desde luego los gastos qne ocasionase su captura y restitucion, pero tendrá derecho á indemnizarse de ellos, descontando al trabajador fugitivo la mitad del salario que devengare.

ARTICULO 66.

El patrono procurará enseñar á los trabajadores los dogmas v la moral de la verdadera religion, pero sin emplear otros medios para ello que la persuacion y el convencimiento, y si alguno manifestare deseo de convertirse á la fé católica, lo pondrá en conocimiento del párroco respectivo para lo que corresponda.

ARTICULO 67.

Cuando un trabajador reciba agravio ú ofensa que

no constituya delito en su persona ó en sus intereses de un hombre libre ó de otro trabajapor de distinta dependencia, tomará el patrono conocimiento del hecho, y si creyere justa la queja, pedirá al ofensor ò su patrono la reparacion debida por medios amistosos ó extrajudiciales; y si estas no fuesen bastantes para conseguirlo, la reclamará ante la autoridad competente ó dará parte del hecho al Promotor fiscal para que la reclame.

Si no creyere fundada la queja del trabajador, se lo hará entender así, exhortándole á que desista de su propósito; mas si el trabajador no se conformare con su decision, podrá acudir al Promotor fiscal para que entable demanda correspondiente.

Cuando la queja se dirigiere contra otro trabajador sujeto á la dependencia del mismo patrono, decidirá este ò su delegado la cuestion del modo que estime justo.

Contra esta decision podrá apelar cualquiera de las partes al protector ó su delegado, quien conocerá del negocio en la forma prescrita en el artículo 33.

ARTICULO 68.

Los introductores de trabajadores y los patronos que faltaren á cualquiera de las obligaciones ó formalidades prescritas en este y en el anterior capítulo, incurrirán en una multa proporcionada á la gravedad de la falta, que les será impuesta gubernativamente, sin perjuicio de la responsabilidad penal ó civil á que puedan quedar sujetos y que habrá de exigírseles por la Autoridad y en la forma correspondiente.

CAPITULO III.

De la jurisdiccion disciplinar de los patronos.

——:o:——

ARTICULO 69.

Los patronos ejercerán sobre sus trabajadores juris-

diccion disciplinar, y en virtud de ella podrán imponérseles las correcciones siguientes.

Primera.—Arresto de uno á diez dias.

Segunda.—Pérdida del salario durante el mismo tiempo.

La primera de estas correcciones podrá imponerse sin la segunda, pero esta nunca se podrá aplicar sin aquella.

ARTICULO 70.

Cuando el patrono imponga á su trabajador cualquiera de los castigos señalados en el artículo anterior, dará parte dentro de las veinte y cuatro horas siguientes al protector respectivo, á fin de que este se entere por si mismo, si lo creyere conveniente, de la falta cometida y reforme si le pareciere injusta, la sentencia del patrono.

El patrono que omitiere dar dicho parte en el término prefijado, deberá ser corregido gubernativamente con multa de veinte y cinco á cien pesos.

ARTICULO 71.

Los trabajadores podrán en todo caso quejarse al protector de cualquier agravio que le hagan sus patronos, bien sea castigándoles sin razon, bien imponiéndoles penas que no estén en sus facultades, ó bien cometiendo en el trato con ellos cualquiera otra falta.

Si el protector hallare culpable al patrono de algun delito, lo denunciará al tribunal competente, y si solo de falta leve le impondrá por sí una multa, que no exceda de cien pesos.

ARTICULO 72.

Para asegurar el cumplimiento de lo dispuesto en los dos artículos anteriores, podrán los protectores por sí ó por medio de otros funcionarios delegados, visitar cuando lo crean conveniente las fincas ó establecimientos en que haya trabajadores y tomar de ellos los informes que juzguen oportunos.

ARTICULO 73.

Los delegados del patrono en la finca ó establecimiento, podrán ejercer tambien la jurisdiccion disciplinar, pero bajo la responsabilidad pecuniaria del mismo patrono y sin perjuicio de la penal en que ellos puedan incurrir.

ARTICULO 74.

Serán castigados disciplinariamente.

Primero. La falta de subordinacion á los patronos, á los jefes de los establecimientos industriales ó á cualquiera otro delegado del patrono.

Segundo.— La resistencia al trabajo ò la falta de puntualidad en el desempeño de las tareas encomendadas al trabajador.

Tercero. Las injurias que no produzcan lesiones que obliguen al ofendido á suspender el trabajo.

Cuarto. La fuga.

Quinto. La embriaguez.

Sexto. La infraccion de las reglas de disciplina establecidas por el patrono.

Sétimo. Cualquiera ofensa á las buenas costnmbres siempre que no constituya de los que no puedan perseguirse sinó á instancia de parte ó que constituyendo delito de esta especie no se querelle de él la parte ofendida.

Octavo. Cualquier otro hecho ejecutado con malicia y del que se infiera á un tercero agravio ó perjuicio y no constituya, sin embargo, delito de los que pueden perseguirse de oficio con arreglo á las leyes.

ARTICULO 75.

La jurisdiccion disciplinar se ejercerá por los patronos sin perjuicio del derecho de un tercero ofendido para exigir que el trabajador ofensor sea castigado por los tribunales si hubiere lugar á ello

ARTICULO 76.

En todos los casos de responsabilidad penal ó civil en que no sean los patronos jueces competentes deberán conocer los tribunales ordinarios, á los cuales se presentarán los trabajadores representados en la forma prescrita en este reglamento.

ARTICULO 77.

Cuando las correcciones señaladas en el artículo sesenta y nueve no fueren bastantes para evitar las reincidencias del trabajador en las mismas ó distintas faltas, acudirá el patrono al protector, quien determinará si el hecho constituye delito segun las leyes, que el culpable sea castigado con arreglo á ellas, y en el caso opuesto la agravacion de las penas disciplinares.

ARTICULO 78.

En el caso en qne los trabajadores de una finca se insubordinaren ó resistieren á viva fuerza y colectivamente las órdenes de sus superiores, podrá el patrono emplar tambien la fuerza para sujetarlos, dando parte inmediatamente al protector delegado, á fin de que, si la gravedad del caso lo exigiere, disponga que los culpables sean castigados á presencia de los demas trabajadores.

CAPITULO IV.

Disposiciones generales.

——:o:——

ARTICULO 79.

Será nula toda renuncia que pueda hacerce de las disposiciones de este reglamento establecidas en favor de los chinos.

ARTICULO 80.

El Gobernador Capitan general de la Isla adoptará las disposiones convenientes para que todos los años por el mes de Enero se formen ó rectifiquen los padrones de los trabajadores, expresándose en ellos su nombre, sexo, edad, estado, trabajo á que estuvieren dedicados, el tiempo de su contrata y el nombre, profesion y domicilio de los patronos respectivos.

La misma Autoridad enviará al Ministerio encargado del despacho de los negocios de Ultramar un resúmen anual de dichos padrones, en que conste el número de trabajadores clasificados por sexo, por edades hasta quince años, desde quince á cincuenta y desde esta edad en adelante; por estados de soltero, casado y viudo, por ocupaciones segun sean estas, agrícolas, industriales ó domésticas; por los distritos en que residan y por el tiempo de duracion de sus contratas, segun sean estas de ménos de cinco años, de cinco á diez años, de diez á quince y de quince años en adelante.

ARTICULO 81.

Se reserva el Gobierno suspender y prohibir en todo tiempo la introduccion de trabajadores chinos en la isla de Cuba.

La resolucion que en este sentido adopte deberá publicarse en la Gaceta de Madrid y en la de la Habana, y desde la fecha de la insercion en esta última, empezará á contarse el plazo dentro del cual serán todavía admitidas las expediciones.

Este plazo no podrá ser mas corto de ocho meses, y los buques llegados despues serán considerados en el caso del artículo veinte.

Las empresas que se dediquen á este tráfico se entiende que por el mismo hecho de emprenderlo reconocen que la suspension ó prohibicion no les da derecho á indemnizacion de ninguna especie.

ARTICUOL 82.

Queda derogado el Real decreto de veinte y dos de Marzo de mil ochocientos cincuenta y cuatro y todas las demas disposiciones anteriores relativas á esta materia."

Es cópia.—Habana 4 de Agosto de 1860.—El Secretario, *Miguel Suarez Vigil.*

——:o:——

GOBIRNO SUPERIOR POLITICO

DE LA PROVINCIA DE CUBA.

——:o:——

Visto el expediente instruido con objeto de dar cumplimiento al artículo 3º de la Real órden de 27 de Abril último referente á la colonizacion asiática que me autoriza para hacer salir de la Isla, miéntras no se halle completamente sofocada la insurreccion, á todo chino que, habiendo concluido su contrata, no la haya renovado con arreglo á las disposiciones vigentes, á los que se dedican á ocupaciones agenas á la de su introduccion y á los que, habiendo abandonado sus faenas para convertirse en un elemento de disturbio, no hayan sido reclamados por sus patronos en un plazo dado: Vista el acta de la Junta de Hacendados celebrada el 16 de Setiembre próximo pasado y el ilustrado informe del Excmo. Sr. Gobernador político que la acompaña. Considerando que el artículo 3º de la citada Real órden no *preceptúa*, sinó que *autoriza* la expulsion de los colonos asiáticos que se encuentren en las condiciones expresadas en el mismo y que no habiendo causa política, ni de órden público, que amerite llevar adelante una medida que, si pudo tener dias de oportunidad en el pasado, sería de grande trascendencia económica, insistir en ella hoy que la pacificacion se halla muy adelantada. Oido el Excmo. Consejo de Administracion y de conformidad con el mismo, he tenido á bien resolver y decretar:

1º Que se permita recontratar para la agricultura, la industria ó el servicio doméstico á los que, habiendo llegado á esta isla despues del 7 de Julio do 1860, no han renovado su contrata á los dos meses de huber terminado su compromiso, siempre que voluntariamente lo deséen, haciendo salir del pais á los que se nieguen á verificarlo.

2º Que las recontratas se hagan con personas de reconocido abono, con arreglo á las prevenciones del reglamento vigente y á lo dispuesto en la Instruccion de 31 de Diciembre de 1868, teniendo muy presente el espíritu de los artículos 46, 47, 48 y 49, como garantía justa de los derechos del patrono respecto á los prófugos y de los 62, 63, y 64, como remedio de la mayor parte de los abusos que hoy se persignen.

3º Que á los asiáticos que hubiesen llegado ántes de la expresada fecha de 7 de Julio de 1860, como no comprendidos en la Real órden de 27 de Abril y con derecho á permanecer en el pais siempre que guarden y cumplan las leyes del mismo, segnn el artículo 55 del reglamento de 22 de Marzo de 1854 sobre colonizacion blanca, se les provea de los oportunos documentos, sinó los tuvieren, á fin de que, seguros de su derecho y consagrados á un trabajo digno, puedan ser útiles á sí mismos y á la sociedad que los ha adoptado.

4º Que se publique nuevamente la Instruccion de 31 de Diciembre de 1868, recomendando á los Gobernadores y Tenientes Gobernadores que la cumplan y hagan cumplir con la rigurosa exactitud que demanda la buena administracion de justicia; y

5º Que, en cumplimiento de la Real órden de 27 de Abril del corriente año, se haga salir de la Isla á los chinos vagabundos y perturbadores del órden público, así como á los que por sus malos antecedentes justificados sean motivo de peligro ó disturbio.

Habana 18 de Octubre de 1871.

El Conde de Valmaseda.

DIRECCION DE ADMINISTRACION LOCAL.

SECCION DE FOMENTO.

——:o:——

Reglamentada la introduccion de colonos asiáticos en esta isla con el fin de proporcionar á la agricultura los brazos que le son necesarios para que su prosperidad no decaiga, en diferentes épocas se dictaron por este Gobierno Superior civil las órdenes convenientes para que la inmigrâcion produjera todos los beneficios que eran de esperarse y el Gobierno ha deseado-

Dirigidas unas á proteger tanto los derechos de los patronos como los de los asiáticos, y encaminadas otras al cumplimiento de las prescripciones del Reglamento, la falta de observancia de esas órdenes, ya por el olvido en que algunos han caido ya por la negligencia de los patronos, y tambien por la astucia con que eluden su cumplimiento los mismos asiáticos, ha hecho indispensable que por este Gobierno Superior se provea al remedio de los abusos introducidos, pues que estirpándolos y estableciendo un órden perfecto en todo lo que se relaciona con la inmigracion asiática, es como puede ser la colonizacion verdaderamente útil al pais.

Con este fin he venido en dictar lo siguiente.

INSTRUCCIONES

para la aplicacion del Reglamento de introduccion de colonos asiáticos, su buen régimen y policía.

——:o:——

ARTICULO 1º

El dia primero de Febrero próximo, se dará principio en todas las jurisdicciones de la Isla, al empadronamiento de los asiáticos existentes en ella debiendo estar concluida esta operacion el 28 del citado mes.

ARTICULO 2º

Se formarán los padrones siguientes:

1º de colonos asiáticos que están cumpliendo sus contratas.

2º de colonos asiáticos prófugos.

3º de colonos asiáticos detenidos en los depósitos de cimarrones.

4º de asiáticos que han cumplido sus contratas y existen en los depósitos pendientes de embarcarse ó recontratarse.

5º de asiáticos que se encuentren en las cárceles y presidios.

6º de asiáticos domiciliados en la Isla, por haber extinguido sus contratas.

ARTICULO 3º

Los padrones números 1º, 2º y 6º se formarán en los partidos rurales por los Capitanes y en las poblaciones por los Comisarios de Policía.

ARTICULO 4º

Dichos Comisarios y Capitanes pasarán el 1º de Marzo próximo á la primera Autoridad gubernativa de la jurisdiccion una cópia de los padrones que hayan formado, conservando en su poder el original.

ARTICULO 5º

Los padrones números 3º y 4º se formarán por los Ayuntamientos á que correspondan los depósitos.

ARTICULO 6°

El padron número 5º se subdividirá en dos partes, una que comprenda los asiáticos existentes en las cárceles, cuyo padron formarán los alcaides de ellas, y otro de los que se encuentren en los establecimientos presidiales formado por los jefes de estos.

ARTICULO 7º

Dichos padrones 3º, 4º y 5º se remitirán tambien á la primera Autoridad gubernativa de la jurisdiccion el 1º de Marzo citado.

ARTICULO 8º

Para formar el padron número 1º, los patronos ó encargados de las casas, fincas, establecimientos públicos y privados ó depósitos donde haya colonos asiáticos, remitirán á los Comisarios y Capitanes, las contratas y cédulas de estos, acompañando ademas una relacion nominal de dichos colonos formada con sujecion al mode-

lo número 1º, bien entendido que los colonos habrán de empadronarse en el distrito donde residan, cualquiera que sea el del domicilio de su patrono.

ARTICULO 9º

Confrontadas por los funcionarios empadronadores las relaciones indicadas, y cerciorados de que están conformes con las cédulas y contratas remitidas, estamparán en dichas cédulas y contratas el sello de la Capitanía ó Comisaría, devolviéndolas á los interesados.

ARTICULO 10.

Para formar el padron número 2º se remitirán á los mismos por los patronos ó sus encargados relaciones iguales al modelo número 2º acompañando las respectivas contratas y cédulas.

ARTICULO 11.

Confrontadas estas relaciones, se devolverán las contratas y cédulas á los interesados, poniendo en ellas los Comisarios y Capitanes una nota del tenor siguiente:—"El colono á que se refiere esta contrata fugó en tal fecha.—Fecha, firma y sello."

ARTICULO 12.

Por los respectivos Municipios se formará el padron número 3, con arreglo al modelo número 3º procurando agregar cuantas noticias sean posibles acerca de la filiacion de los colonos, á fin de facilitar su conocimiento por los patronos.

ARTICULO 13.

Tambien formarán el padron número 4, con sujecion al modelo número 4º y con la ampliacion que indica el artículo anterior, solo respecto de los que quieran

recontratarse, para facilitar su colocacion, é indicando en la respectiva columna si su residencia en el depósito es con el objeto de embarcarse ó con el de contratarse de nuevo.

ARTICULO 14.

Los alcaides de las cárceles y los jefes de los establecimientos presidiales formarán su respectiva seccion del padrón número 5, con sujecion á los modelos números 6º y 8º.

ARTICULO 15.

Las relaciones indicadas en los artículos 8º y 10 se remitirán á los funcionarios que en los mismos se expresan, precisamente y sin excusa alguna durante los primeros quince dias de Febrero.

ARTICULO 16.

En la segunda quincena de dicho mes se formará el padron número 6, con arreglo al modelo número 7, pasando al efecto los Comisarios ó Capitanes al domicilio de los asiáticos. Empadronarán á estos prévia inspeccion ocular, exigiéndoles presenten sus cartas de domicilio y cédulas de vecindad; y recogiendo el primer documento, solo devolverán á los interesados el segundo despues de estampar en dichas cédulas el sello de la Comisaría ó Capitanía con una nota que diga:—"Empadronado"

ARTICULO 17.

Dicho padron número 6, se remitirá en cópia á la primera Autoridad gubernativa de la jurisdiccion en el trascurso de la primera quincena de Marzo.

ARTICULO 18.

Recibidos por los Gobernadores y Tenientes Gobernadores los padrones parciales, formarán uno general de

cada clase que remitirán á la direccion de Administracion en el trascurso del mes de Marzo.

ARTICULO 19.

La direccion de Administracion resumirá los padrones generales números 1º y 2º en el órden que previene el 2º párrafo del artículo 80 del Reglamento vigente para la introduccion de colonos asiáticos, cuyo resúmen se remitirá al Gobierno Supremo. Con los padrones 3, 4, 5 y 6 se formará un resúmen de cada uno de ellos en que conste solamente el número de asiáticos y la jurisdiccion á que corresponden, englobando por último todos los padrones, excepto el 3º en un censo general númérico para su publicacion en la Gaceta de la Habana y remision la Gobierno Supremo.

ARTICULO 20.

El alta y baja que en todos los padrones produzca el movimiento de los asiáticos ya porque salgan del distrito ó porque ingresen en él ó ya porque variando de situacion sin salir del distrito, deban ser baja en uno y alta en otro de los seis padrones, se anotará en estos mismos con una nota marginal respecto de las bajas y agregando en el padron el nombre del asiático que deba ser alta con las demas circunstancias requeridas en los modelos. Dichas anotaciones se harán tanto en las cópias que deben tener los Gobernadores y Tenientes Gobernadores, como en los originales que han de conservar los demas funcionarios encargados de formar los respectivos padrones á cuyo efecto estos darán parte á la primera Autoridad gubernativa de las referidas altas y bajas que ocurran, así como tambien dichos funcionarios se pasarán mutuamente notas de las alteraciones para la debida anotacion.

ARTICULO 21.

Los partes y notas á que se refiere el artículo ante-

rior se pasarán semanalmente especificando en dichos documentos todas las circunstancias que conforme á los modelos concurran en los asiáticos á que se refieren.

ARTICULO 22.

Los Gobernadores ó Tenientes Gobernadores deberán comunicarse por medio de oficio la salida de los cimarrones encontrados por sus dueños y la de los asiáticos que hayan cumplido su prision ó condena.

ARTICULO 23.

Los patronos de colonos inscritos en el padron número 1, están en el deber de dar parte al Capitan ó Comisario, por sí ó por medio de sus encargados ó administradores, de la fuga de aquellos ajustando el parte á lo preceptuado en el modelo número 2 y acompañando una filiacion los mas detallada posible á fin de que pueda ser la requisitoria de mas efecto. Tambien acompañarán la contrata y cédula del prófugo que les serán devueltas con la nota que expresa el artículo 11.

ARTICULO 24.

Tambien participirán á dichos funcionarios ajustando el parte á lo prevenido en el modelo número 1º el ingreso en su poder de los colonos que se hallaban prófugos, acompañando al parte la contrata y cédula de los mismos, cuyos documentos se devolverán al interesado estampando en la contrata una nota del tenor siguiente: "El asiático á que se refiere esta contrata fué recuperado por su patrono en tal fecha, habiendo estado prófugo tanto tiempo, cuyo tiempo está obligado á indemnizar á su patrono.—Fecha, firma y sello."

ARTICULO 25.

Inmediatamente que los Capitanes ó Comisarios reciban los partes de fugas de colonos los pasarán á la primera Autoridad gubernatiua de la jurisdicion á fin de que

esta remita requisitoria á los demas Gobernadores ó Tenientes Gobernadores de la Isla para que se practiquen las diligencias convenientes para la captura de los desertores.

ARTICULO 26.

Asimismo se dará parte á los Comisarios y Capitanes conforme al modelo número 1º de los colonos que un individuo adquiera, ya por haberle traspasado la contrata la empresa introductora ú otro particular, ya por haber recontratado á un colono cumplido. Al parte se acompañarán la contrata y cédula del colono cuyos documentos serán devueltos con el sello de la Comisaría ó Capitanía.

ARTICULO 27.

Igualmente darán parte los partonos á los citados funcionarios del fallecimiento de los colonos, acompañando al parte la contrata y cédula correspondientes al difunto, cuyos documentos se pasarán á la Primera autoridad gubernativa de la jurisdiccion, que los inutilizará.

ARTICULO 28.

Cuando un asiático cumpla el tiempo de su contrata deberán los patronos, lo mas tarde al tercero dia, presentarlo al Gobernador ó Teniente Gobernador con las correspondientes contrata y cédula; y si aquellos los quisieren recontratar podrán hacerlo en este acto, á fin de evitar que los contratantes salgan beneficiados con perjuicio del asiático; y de no tener lugar, tendrán entrada en el depósito de la cabecera.

ARTICULO 29.

El asiático que cumplido el tiempo de su contrata, obtenga carta de domicilio para fijar su residencia en la Isla, deberá presentarse con dicho documento al Comisario ó Capitan del partido para que le inscriba en el padron número 6 y le expida su cédula de vecindad, en la

que estampará la nota "Empadronado" recogiendo la referida carta de domicilio.

ARTICULO 30.

Del fallecimiento de los asiáticos domiciliados se dará parte á los Celadores de barrio y Tenientes de partido, los cuales procederán á recoger las cedulas de vecindad de los muertos, cuyos documentos se remitirán por conducto regular al Gobernador ó Teniente Gobernador de la jurisdiccion para que los inutilice.

ARTICULO 31.

El sello de la Capitanía ó Comisaría estampado en la contrata y cédula de un colono indica estar empadronado, y no podrá serlo de nuevo en ninguna otra parte, sinó en el caso de trasladar su domicilio á otro distrito.

ARTICULO 32.

El asiático cumplido y domiciliado que quiera trasladar su domicilio, se presentará al Comisario ó Capitan, para que anote en su cédula la salida y punto á donde pasa á fijar su residencia. Verificado esto se le dará de baja en el padron, debiendo presentarse al Capitan ó Comisario del distrito que ha elegido para su domicilio, á fin de que este le empadrone y ponga en su cédula la nota.—"Empadronado" con fecha, firma y sello.

ARTICULO 33.

Cuando á un patrono le convenga llevar á su colono á otro distrito deberá ántes presentar la cédula en la Comisaría ó Capitanía para que en ella se anote el pase de domicilio y tenga efecto la anotacion del alta y baja en los padrones. Si la ausencia del colono fuese solamente temporal, se anotará así en la cédula, sin producir el alta ni baja, pero fijando en aquella el tiempo que haya de estar ausente.

ARTICULO 34.

No se expedirá pase de traslacion de domicilio al colono ó asiático domiciliado que no aparezca empadronado, procediéndose en este caso ó su detencion y á la instruccion de expediente para averiguar su proceder y los motivos de no estar empadronado.

ARTICULO 35.

La falta de empadronamiento cuando sea motivada por omision de los patronos y asiáticos. será castigada con multa que no bajará de veinte escudos ni excederá de cien segun las circunstancias agravantes de la omision. Si este fuere imputable á uno de los funcionarios encargados de formar cualquiera de los padrones, será castigado con reprension ó suspension de sueldo hasta por quince dias, si resultase que no hubo malicia ó dolo; y en caso contrario será sometido á los tribunales de justicia.

ARTICULO 36.

El que abrigare en su casa ó finca un colono desertor, ó el que con documentos supuestos lo empadronase, ya como colono á su servicio, ya como asiático cumplido y domiciliado, será entregado como reo de plagio á la accion de los tribunales de justicia.

ARTICULO 37.

El colono asiático que sea encontrado fuera de la finca ó establecimiento en que sirviere sin el permiso escrito de su patrono ó delegado que previene el artículo 49 del Reglamento vigente de introduccion de asiáticos, será aprehendido por la Autoridad y conducido de cuenta de su patrono al punto de donde salió, si estuviese domiciliado dentro de la Comisaría ó Capitanía donde se verifique la aprehension.

ARTICULO 38.

Si el domicilio del patrono estuviese en otro distrito, se remitirá inmediatamente al depósito de cimarrones de la municipalidad á que corresponda el distrito de la autoridad aprehensora, quien al mismo tiempo avisará por el correo al patrono para que se presente á recoger el colono detenido en dicho depósito.

ARTICULO 39.

El Capitan del partido ó el Comisario del distrito en que se verifique la aprehension dará parte al Gobernador ó Teniente Gobernador de la jurisdiccion, remitiéndole las diligencias instruidas, á las cuales dicha autoridad agregará oportunamente los partes de entrada y salida en el depósito de cimarrones, cuya entrada lo mismo que la salida, pondrá inmediatamente en conocimiento de los Gobernadores civiles de Cuba, Puerto-Príncipe ó la Habana, segun el departamento á que corresponda.

ARTICULO 40.

Inmediatamente que el Gobernador ó Teniente Gobernador reciba las diligencias á que se refiere el anterior artículo oficiará á la Primera autoridad gubernativa de la jurisdiccion donde resida el patrono á fin de que se notifique á domicilio la captura del colono.

ARTICULO 41.

Trascurrido un mes desde la entrada del colono en el depósito de cimarrones sin haber sido reclamado por su patrono, será remitido sin excusa ni pretexto alguno, salvo el caso de enfermedad grave, al depósito de la capital del departamento, socorrido por el depósito de donde sale hasta su llegada á la expresada capital. El expediente de la captúra del colono, será tambien remitido

al Gobernador del departamento respectivo para los fines subsiguientes.

ARTICULO 42.

Miéntras los colonos desertores aprehendidos permanezcan en los depósitos de cimarrones se les destinarán á los trabajos de obras públicas de la municipalidad para costear con el producto de los jornales que devenguen su manutencion y vestuario y la asistencia médica que necesiten en caso de enfermedad.

ARTICULO 43.

Los Gobernadores de Cuba, Puerto-Príncipe y la Habana harán insertar mensualmente en el periódico oficial de dichas ciudades una relacion de los colonos existentes en el depósito de cimarrones de las mismas, en cuyas relaciones se expresarán el nombre del colono, su filiacion, oficio, fecha y lugar de su aprehension y el nombre y domicilio de su patrono. Un ejemplar del periódico será remitido á la Direccion de Administracion. la cual hará insertar en la Gaceta de la Habana las relaciones de Cuba y Puerto-Príncipe.

ARTICULO 44.

Todos los domingos y dias festivos se reunirán en el depósito los colonos existentes y desde las seis de la mañana á las seis de la tarde se permitirá la entrada á los patronos ó sus delegados que concurran al reconocimiento de aquellos. En los dias de trabajo y á las horas de descanso podrán tambien concurrir los patronos ó sus delegados al lugar de las obras para el reconocimiento de los colonos detenidos.

ARTICULO 45.

Reconocido un colono por su patrono ó delegado, podrá reclamarlo al encargado del depósito presentando

al efecto la cédula y contrata correspondiente, en la cual debe estar consignada la nota prevenida en el artículo 11. Identificado el colono será entregado bajo recibo cuyo documento se remitirá al Gobernador ó Teniente Gobernador para que sea acumulado el expediente.

ARTICULO 46.

Los colonos desertores no reclamados por su patrono solo podrán residir once meses en el depósito de cimarrones de las capitales de departamento. Trascurrido dicho tiempo se considerarán en suspenso las contratas y quedará el colono en aptitud de contratarse de nuevo, permaneciendo no obstante en el depósito hasta que lo verifique. En este caso será dado de baja en el padron número 3 y de alta en el número 4.

ARTICULO 47.

Las nuevas contratas que se celebren despues de terminado el plazo que señala el artículo anterior solo serán por seis meses, las cuales podrán renovarse á su vencimiento sinó hubiese perjuicio de tercero.

ARTICULO 48.

En dichas nuevas contratas y sus renovaciones habrá de insertarse precisamente la cláusula siguiente:— "El asiático N. N. declara que desertó de la casa ó finca de su patrono D. N. N. (ó cuyo nombre ignora,) y si se presentase este á reclamarlo se obliga á indemnizarle todo el tiempo que ha trascurrido desde el dia de su desercion hasta aquel en que vuelva á su poder, terminada que sea esta nueva contrata."

ARTICULO 49.

Si el primitivo patrono se presentase reclamando al colono, podrá obligarlo á que concluido el tiempo de su

nuevo empeño, cumpla el que aun le falta para extinguir su antigua contrata.

ARTICULO 50.

Los agentes de Policía de la Isla procurarán con la mayor eficacia la captura de los colonos asiáticos desertores de las casas de sus patronos ó depósitos de cimarrones; y tanto aquellos como los encargados de dichos depósitos y los Gobernadores y Tenientes Gobernadoress prestarán á los patronos cuantas facilidades sean posibles para que prontamente puedan recuperar sus colonos sin perjuicio de observar los trámites señalados en lo artículos que á este particular se refieren.

ARTICULO 51.

Los colonos asiáticos que cumplieren sus contratas y hubiesen llegado á esta isla con posterioridad al quince de Febrero de 1861 en que se publicó el Reglamento para su introduccion y régimen aprobado por Real decreto de 7 de Julio de 1860, no pueden obtener carta de domicilio.

ARTICULO 52.

Inmediatamente que con arreglo á lo dispuesto en el último extremo del artículo 28 deba tener lugar el ingreso de un colono cumplido en el depósito municipal, se publicará un anuncio en el periódico de la cabecera, y sinó lo hubiese, se fijarán cedulones en los puntos mas concurridos del distrito, convocando á las personas que quieran recontratar al asiático. Dicho anuncio se insertará tambien en el periódico oficial de la cabecera de la jurisdiccion y en los de Cuba, Puerto-Príncipe y Habana, segun el departamento á que corresponda el Municipio.

ARTICULO 53.

Los Gobernadores y Tenientes Gobernadores cuidarán de que con toda eficacia se publique mensualmente en el periódico de la cabecera una relacion de los asiáticos cumplidos que en los depósitos existan pendientes de contratarse de nuevo. en cuyas relaciones se expresarán el nombre, edad, oficio, filiacion y fecha de la entrada de los asiáticos, remitiendo un ejemplar del periódico á la Direccion de Administracion.

ARTICULO 54.

Si al cumplirse los dos meses de la entrada del asiático en el depósito no hubiese conseguido recontratarse, se le notificará que debe salir de la Isla para el punto que él mismo elija ó designe el Excmo. Sr. Gobernador Superior civil en su defecto.

ARTICULO 55.

Sinó tuviese fondos con que sufragar los gastos del viaje, continuará en el depósito destinado como operario á las obras públicas, por solo el tiempo preciso para que cubiertos sus gastos personales resulte el sobrante necesario; y si trascurrido un año no tuviese reunida la cantidad suficiente, por los fondos del depósito se le completará la necesaria para su embarque.

ARTICULO 56.

A cada uno de los asiáticos que se encuentre en las circunstancias que expresa el artículo anterior, se le llevará una cuenta detallada de los gastos que ocasione y de lo que importen los jornales que devengue, de la cual se le enterará mensualmente con toda minuciosidad, conservándose en la caja del depósito ó donde corresponda el saldo que resulte á favor del asiático.

ARTICULO 57.

Llegada la época del embarque de este, por haber reunido la cantidad necesaria para el viaje, será remitido al depósito de la Habana para que verifique su embarque por este puerto. La cantidad reunida será asimismo remitida al depósito de la Habana, dándose parte de todo á la Direccion de Administracion.

ARTICULO 58.

Cuando el asiático no hubiese designado el punto á donde quiera trasladarse fuera de la Isla, se expresará esta circunstancia en el parte á que se refiere el artículo anterior, y por la Direccion de Administracion se dará cuenta al Gobernador Superior civil para que lo señale.

ARTICULO 59.

Si al ingresar un asiático en el depósito municipal por haber cumplido su contrata, expresare su voluntad de querer salir de la Isla, manifestando tener fondos suficientes para ello, se dará parte á la Primera autoridad gubernativa de la jurisdiccion, á fin de que expida al asiático el doumento necesario para efectuar su viaje; pero si quisiese dirigirse á China directamente, se le remitirá á su costa al depósito de la Habana, donde deberá residir hasta que se proporcione buque que le conduzca.

ARTICULO 60.

Cuando el colono cumplido lograse recontratarse dentro de los dos primeros meses de su entrada en el depósito, ó en el acto de ser presentado á la autoridad gubernativa conforme á lo prevenido en el artículo 28, la nueva contrata se hará por escrito arreglada al modelo número 8.

ARTICULO 61.

A dichas contratas se agregará la nota prevenida en el artículo 48 cuando aquellas se celebren por los colonos á que se refieren los artículos 46 y 47.

ARTICULO 62.

El trabajo de los asiáticos que se recontraten solo podrá ser utilizado en beneficio de los que los contraten, sin que en ningun caso ni por motivo alguno pueda permitírseles por los nuevos patronos que se ocupen en otros trabajos ó industrias y mucho ménos exigirles por ellos extipendio ni retribucion de ninguna especie.

ARTICULO 63.

Tampoco será permitido á los nuevos patronos traspasar estas contratas, ni alquilar los asiáticos á otros individuo.

ARTICULO 64.

Los que falten á lo que se dispone en los dos artículos anteriores, justificada que sea la falta por medio del correspondiente expediente gubernativo que deberá instruirse al efecto, incurrirán en una multa de 200 a 1000 escudos, sin perjuicio de declararse rescindidos los contratos y de que vuelvan los chinos á los depósitos establecidos hasta que se contraten de nuevo legalmente.

ARTICULO 65.

Para la imposicion de las multas se tendrán presentes los casos de reincidencia, y el número de asiáticos graduándolos segun las circunstancias especiales de cada uno.

ARTICULO 66.

Al vencimiento de las nuevas contratas, los patronos cumplirán lo dispuesto en el artículo 28 de esta instruccion.

ARTICULO 67.

En las cédulas que se expidan á los colonos recontratados se expresará esta circunstancia.

ARTICULO 68.

Las nuevas contratas habrán de otorgarse precisamente ante los Gobernadores ó Tenientes Gobernadores.

ARTICULO 69.

Estos, en su calidad de protectores delegados, cuidarán del exacto cumplimiento de lo dispuesto en los artículos 60 y siguientes.

ARTICULO 70.

Los colonos asiáticos que llegaron á esta isla ántes del 15 de Febrero de 1861, tienen derecho á obtener carta de domicilio y naturalizacion al cumplir su primitivo compromiso, segun dispone el artículo 55 del Reglamento aprobado por Real decreto de 21 de Marzo de 1854, siempre que llenen los requisitos prevenidos por la Ley.

ARTICULO 71.

Los que al cumplimiento de las primitivas contratas no pidieron ni obtuvieron carta de domicilio, y se recontrataron de nuevo, hallándose ya vigente el Reglamento de 7 de Julio de 1860, pierden el derecho que se les concedió para domiciliarse, quedando comprendidos en lo dispuesto en los artículos 7 y 18 del Reglamento citado.

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ARTICULO 72.

Tanto los asiáticos comprendidos en el artículo anterior, como los que no puedan obtener carta de domicilio, por no llenar los requisitos que las leyes vigentes exigen para este efecto á los extrangeros, ingresarán en los depósitos municipales, conforme á lo establecido en estas instrucciones.

ARTICULO 73.

El ingreso en dicho depósito de los asiáticos que no reunan los requisitos necesarios para domiciliarse, será únicamente con el objeto de embarcarse para el punto que designen y en su defecto para el que señale la autoridad superior de la Isla.

ARTICULO 74.

Respecto de los asiáticos comprendidos en el artículo anterior, se observarán las reglas prevenidas en los 55, 56, 57, 58 y 59.

ARTICULO 75.

Los asiáticos á que se refiere el artículo 70, no siendo de los exceptuados en el 71, promoverán ante el Gobernador ó Teniente Gobernador de la jurisdiccion la solicitud de carta de domicilio, acompañando su fé de bautismo. Instruido el expediente con sujecion á lo que disponen las leyes vigentes de la materia y siendo el resultado favorable al asiático, se procederá á extenderle la correspondiente carta por la referida autoridad, cumpliendo el asiático en seguida lo prevenido en el artículo 29.

ARTICULO 76.

Los asiáticos domiciliados que pierden su cédula de vecindad, podrán obtener un duplicado prévia la instruc-

cion de un expediente por el Gobierno ó Tenencia de Gobierno correspondiente.

ARTICULO 77.

Si resultare comprobado que la pérdida de aquel documento fué ocasionada por incendio, naufragio ó robo, se le expedirá un duplicado prévio el pago de los derechos señalados; pero si fuere cualquiera otra la causa del extravío, ademas del pago de los derechos, se le impondrá una multa desde diez escudos hasta veinte.

ARTICULO 78.

Cuando del expediente que se instruya resulte comprobado haber habido fraude por parte del asiático en el extravío de la carta, por haberla vendido ó traspasado á un colono desertor de la casa de su patrono ó de un depósito municipal, ó á otro que no pueda domiciliarse en la Isla, ademas de la multa indicada que deberá pagar, será entregado en el depósito municipal con el objeto de que salga del pais, observándose en este caso lo dispuesto en los artículos 55, 56, 57, 58 y 59.

ARTICULO 79.

Al expedirse el duplicado de la cédula de vecindad, se publicará en el periódico de la cabecera y en la Gaceta de la Habana quedar anulado el principal.

ARTICULO 80.

Los asiáticos en cuyo poder se encuentre una cédula de vecindad correspondiente á otro individuo, será detenido, instruyéndose las consiguientes diligencias en averiguacion de su procedencia, conducta y estado civil, los cuales se pasarán á los tribunales de justicia si el asiático resultare reo de algun delito.

ARTICULO 81.

Si de las diligencias practicadas aparece que el asiático es colono prófugo de la casa de su patrono ó de algun depósito de cimarrones se observará lo dispuesto en los artículos 36 y siguientes.

ARTICULO 82.

Siempre que los Gobernadores ó Tenientes Gobernadores tengan noticia de que en alguna casa ó finca se abrigan colonos desertores, podrán disponer sean visitadas á fin de obtener la detencion de aquellos procediendo segun corresponda respecto á los encubridores.

ARTICULO 83.

Las cartas de domicilio de los asiáticos cumplidos se conservarán en las Capitanías ó Comisarías donde estén empadronados dichos individuos; y cuando estos trasladen su residencia á otro distrito, las expresadas cartas serán remitidas al Comisario ó Capitan de partido á donde deban aquellos fijar su domicilio.

Habana y Diciembre 31 de 1868.

Lersundi.

——:o:——

GOBIERNO SUPERIOR POLITICO

DE LA PROVINCIA DE CUBA.

SECRETARIA.

—:o:—

Por el Ministerio de Ultramar se dice al Excmo. Sr. Gobernador Superior político con fecha 27 de Abril último de Real órden lo siguiente:

"Excmo. Sr.—Vista la carta de V. E. número 688 de 24 de Julio de 1870, dando cuenta detallada de las dificultades que estaba ocasionando la inmigracion china para el desarrollo de la agricultura, del comercio y principalmente para la pacificacion de esa isla; opinando en último resultado que debia prohibirse inmediatamente la entrada en la misma de nuevas expediciones de asiáticos, para lo cual no debia ser obstáculo la cuestion de trabajo que en nada se resentiría por figurar ya en las fincas el brazo libre que iria en aumento segun las necesidades, siendo así que los propietarios le prefieren al chino: Vista otra carta de V. E. número 803 de 29 de Agosto siguiente, en la que reproduce los fundamentos de la anterior para encarecer la necesidad de tomar con urgencia una resolucion que ponga término á los graves perjuicios que ocasiona en esta isla la inmigracion china, cuyos individuos faltan á sus compromisos. quebrantan las leyes de hospitalidad, atacan y perturban el órden público, ayudan á los enemigos de la Nacion y tienen en contínua alarma los intereses y la tranquilidad de la Isla, acompañando en apoyo de lo que exponía cópia del expediente instruido al efecto, pidiendo en su consecuencia autorizacion para obligar á salir de la Isla, á los chinos vagabundos y á aquellos cuyas ocupaciones sean distintas de las faenas agrícolas que fueron el obje-

to de su introduccion. Vistas las disposiciones que rigen sobre la materia y principalmente el Real decreto-reglamento de 6 de Julio de 1860, por el que el Gobierno se reservó la facultad de suspender ó prohibir en cualquier tiempo la introduccion de colonos chinos, si bien con arreglo al artículo 81 del mismo debia publicarse esta resolucion en las Gacetas de Madrid y de la Habana, y contarse el plazo de ocho meses que, como mínimo, se señalaba desde el dia de su insercion en esta última, dentro del cual serían todavía admitidas las expediciones que llegasen á esa isla. Considerando, en cuanto á la expulsion de los chinos vagabundos y la de aquellos cuyas ocupaciones sean distintas de las faenas agrícolas que fueron el objeto de su introduccion y el fin principal del expresado Real decreto, que con esta medida trata V. E. de purgar esa isla de un elemento perturbador que podria acaso dilatar indefinidamente el término de su pacificacion: Considerando que para conseguir dicho objeto existen medios suficientes dentro de la legislacion en vigor y principalmente en el referido decreto-reglamento de 6 de Julio de 1860 que tiene todo el carácter y condiciones de un contrato bilateral entre los emigrantes chinos y sus patronos por una parte y el Gobierno español por otra, estableciéndose en él implícitamente el principio de que el colono al contratarse por un acto espontáneo de su libre voluntad, se limita á los derechos y facultades que la Ley le concede, sometiéndose á salir de la Isla cumplido el tiempo de su empeño: Considerando que al exigir el cumplimiento de este compromiso, cuando así lo juzgase conveniente á la seguridad de la Isla, el Gobierno no hace sino usar de un indispensable derecho: Considerando ademas que para llevar á cabo dicha medida en el término perentorio que lo apremiante de las circunstancias exige: puede ocurrir la dificultad de la falta de recursos en los chinos para costear su pasaje de vuelta: Considerando por otra parte que las circunstancias actuales de esa isla no permiten por ahora la aplicacion del artículo 18 del reglamento, en lo que se refiere á la obligacion de los chinos de trabajar en las Obras públicas hasta tanto que cubiertos

sus gastos personales, resulte el sobrante necesario para costear dicho pasaje: Considerando, por último, que á fin de poder adoptar en su dia y con la mayor cópia de datos posibles una resolucion definitiva sobre la conveniencia ó inconveniencia de la inmigracion de trabajadores chinos en esa isla, urge tener á la vista los informes á que se refieren las Reales órdenes de 26 de Diciembre de 1867, 21 de Enero y 17 de Febrero de 1868, con las cuales se remitieron á V. E. entre otros documentos unos proyectos de convenio y reglamentos formulados por los gobiérnos de Francia é Inglaterra: S. M. el Rey, oido el Consejo de Estado en pleno y de conformidad con el mismo, se ha servido resolver lo siguiente: Primero:—Con arreglo á las facultades que el Gobierno se reservó por el artículo 81 del Reglamento, fecha 6 de Julio de 1860, se suspende la introduccion de trabajadores chinos en la isla de Cuba, á contar desde los ocho meses siguientes á la fecha en que se publique esta resolucion en la Gaceta de la Habana:—Segundo:—Sin embargo de la disposicion anterior y con objeto de conciliar los intereses privados con los de la Administracion pública, se excitará el celo de los agentes consulares de España en China, por conducto del Ministerio de Estado, á fin de que, al tiempo de dar publicidad á esta medida en los puntos en que suelen verificarse los embarques, traten, por los medios que estén á su alcance, de obtener de los contratistas, que renuncien voluntariamente á emprender toda nueva expedicion, sin esperar el límite del plazo de ocho meses concedido para la llegada de los últimos envíos á Cuba;—Tercero:—Se autoriza á V. E. para hacer salir de esa isla, miéntras no se halle completamente sufocada la insurreccion, á todo chino contratado que, habiendo concluido su contrata, no la haya renovado con arreglo á lo prevenido en las disposiciones vigentes y á los que se dediquen á objetos agenos al de su introduccion; así como á los que, habiendo abandonado sus faenas para convertirse en un elemento de disturbio, no hayan sido reclamados por sus patronos en un plazo dado:—Cuarto:—Se autoriza igualmente á V. E. para verificar el embarque á costa del Estado de los chinos

vagabundos y de los demas que carezcan de recursos para ello; debiendo cuidar V. E. de que esta resolucion se lleve á efecto por los medios ménos gravosos al Erario público:—y Quinto:—Que V. E. dé cumplimiento á las Reales órdenes de 26 de Diciembre de 1867, 21 de Enero y 17 de Febrero de 1868, y al evacuar su informe respecto á la conveniencia ó inconveniencia de la inmigracion de trabajadores chinos en esa isla, trasmita á este Ministerio los que emitan, sobre tan delicada materia, no solo las Autoridades y Corporaciones de la misma que juzgue mas competentes, sino los de aquellás personas, que por sus conocimientos especiales, índole de su propiedad, profesion ó oficio, se hallen mas directamente interesados en el fomento de la agricultura, en el desarrollo de la industria y en el acrecentamiento general de la riqueza de esa importante provincia. De Real órden lo digo á V. E. para los efectos consiguientes, debiendo remitir desde luego á este Ministerio un ejemplar de la Gaceta de la Habana en que se publique esta resolucion."

Y de órden de S. E. se publica en la Gaceta para general conocimiento y exacto cumplimiento de lo dispuesto por S. M.

Habana y Junio 13 de 1871.— *Ramon María de Aráiztegui.*

GOBIERNO SUPERIOR POLITICO

DE LA PROVINCIA DE CUBA.

——:o:——

Creada una Comision Central de Colonizacion por Decreto de 13 del actual para que auxilie con sus conocimientos á este Gobierno Superior en la aplicacion del de 18 de Octubre último, que deslinda la situacion de los colonos asiáticos que han venido y vengan en lo sucesivo á esta isla con notable beneficio para los mismos y para la Agricultura, la Industria y el Comercio en general y teniendo en consideracion los notables trabajos llevados

á efecto por la Comision gestora de Hacendados en la cuestion de que se trata, he venido en nombrar para que constituyan la referida Comision Central á los señores siguientes:

Presidente.

Excmo. Sr. D. Julian Zulueta.

Vocales propietarios.

Sr. D. Juan Atilano Colomé.
Excmo. Sr. Marqués de Campo-Florido.
Sr. D. José Plá y Monge.
... ... Francisco Durañona.
Excmo. Sr. Conde de Lagunillas.
Sr. D. Francisco Feliciano Ibañez.
... ... Leon Lleó.
... ... José Eugenio Moré.
Excmo. Sr. D. Pedro Sotolongo.
Sr. D. Fernando Illas.
... ... Juan Toraya.
Ilmo. Sr. D. Juan Ariza.

Vocales suplentes.

Excmo. Sr. Marqués de Almendares.
Sr. D. José Baró.
Excmo. Sr. D. Mamerto Pulido.
Sr. D. Francisco Calderon y Késsel.
Excmo. Sr. D. Manuel Calvo.
Sr. D. Nicolás Martinez Valdivieso.
... ... Lorenzo Pedro.
... ... Florencio Saez.
... ... Nicanor Troncoso.
... ... José Yugarriza Vergara.
... ... Rufino Sainz.
... ... Manuel Maruri.

Habana 15 de Diciembre de 1871.

El Conde de Valmaseda.

GOBIERNO SUPERIOR POLITICO
DE LA PROVINCIA DE CUBA.

SECRETARIA.

——:o:——

Seccion de Gobernacion y Fomento.

Habiendo sido mal interpretado por algunos Capitanes de partido y empleados de vigilancia el párrafo 4º del artículo transitorio del decreto de 18 de Diciembre próximo pasado, que prohibe la expedicion de documentos de policía á favor de asiáticos miéntras duren las operaciones del padron, el Excmo. Sr. Gobernador Superior político, se ha servido disponer que se entiendan no comprendidos en la citada prohibicion los colonos asiáticos que, cumplidos sus compromisos, solicitan sus documentos para salir de la Isla.

Y de órden de S. E. se publica en la Gaceta oficial para general conocimiento.

Habana 16 de Enero de 1872.—El Secretario, *Ramon María de Araíztegui.*

GOBIERNO SUPERIOR POLITICO
DE LA PROVINCIA DE CUBA.

——:o:——

Constituida en 24 de Enero próximo pasado la comision central de Colonizacion, creada por decreto de 13 de Diciembre del año anterior, he creido conveniente dar conocimiento al público de este hecho, á fin de que todos y cada uno cooperen al buen resultado del objeto que les está cometido, encareciendo á los Gobernadores y Tenientes Gobernadores la mayor eficacia en el cumplimiento de las disposiciones dictadas en materia de colonizacion.

Por otro decreto de la misma fecha, 13 de Diciembre de 1871, se halla dispuesto el empadronamiento de todos los asiáticos existentes en el pais, de conformidad con lo acordado en las Instrucciones de 31 de Diciembre de 1868, mandadas cumplir por decreto de 18 de Octubre del citado año 1871, dividiendo este censo en seis padrones de la manera siguiente:

1º Padron de colonos asiáticos que están cumpliendo sus contratas.

2º Padron de colonos asiáticos prófugos.

3º Padron de colonos asiáticos detenidos en los depósitos de cimarrones.

4º Padron de asiáticos que han cumplido sus contratas y existen en los depósitos pendientes de embarcarse ó recontratarse.

5º Padron de asiáticos que se encuentran en las cárceles y presidios.

6º Padron de asiáticos domiciliados en la Isla por haber extinguido sus contratas.

Para la formacion de los padrones 1º y 2º ó sean, de colonos que están cumpliendo sus contratas y de colonos prófugos. se fijó todo el mes de Enero para que los patronos remitiesen la relacion nominal y en la primera quincena del corriente mes los funcionarios de policía deben formar el padron y remitirlo á la autoridad local, la cual en la segunda quincena ha de formar el de toda su jurisdiccion y elevarlo en cópia duplicada á este Gobierno Superior. Los padrones 3º y 4º debian formarse por los ayuntamientos en todo el mes de Enero; el mismo plazo está señalado para el padron 6º, y el 5º debia remitirse al Gobernador ó Teniente Gobernador por los Alcaides y Jefes de establecimientos presidiales en la segunda qnincena del mismo mes.

Pero habiéndome hecho presente la comision central de Colonizacion la conveniencia de dilatar dichos plazos para que el censo que va á llevarse á cabo por primera vez sea completo y una verdad, he acordado conceder un mes de próroga para la terminacion del mismo; y, en tal virtud, el plazo para el 1º y 2º padron vencerá el 29 del actual para los patronos, el 15 de Marzo próximo para

los funcionarios locales, el 31 del propio mes para los Gobernadores y Tenientes Gobernadores y el de los padrones 2º, 4º, 5º y 6º el último dia del mes de la fecha.

Lo que se publica para general conocimiento y el mas exacto cumplimiento.

Habana 3 de Febrero de 1872.

Félix Ferrer.

——:o:——

Tomando en consideracion las observaciones que ha hecho la comision central de Colonizacion, encaminadas al mejor resultado del padron de asiáticos mandado á llevar á efecto por decreto de 13 de Diciembre último, he tenido por conveniente disponer:

1º Que dejando sin efecto la aclaracion de 16 del mes anterior, por ocasionada á abusos de que ya ha habido ejemplo, quede prohibida hasta que esté concluido completamente dicho padron la expedicion de pases de tránsito, de domicilio y pasaportes á los colonos cumplidos, cualquiera que sea la fecha en que hubiesen llegado á la Isla, sin otra excepcion que los pases de tránsito que soliciten los patronos para sus colonos que estén cumpliendo la primitiva contrata.

2º Que queden sin curso por ahora las solicitudes que se presenten para obtener carta de domicilio ó de naturaleza; y

3º Que las autoridadès locales por ningun concepto declaren en tutela á los asiáticos que despues del citado decreto de 13 de Diciembre hubiesen variado del lugar en que esa disposicion los encontró, burlando así lo mandado y remitan los que se hallan en este caso á los depósitos municipales como prófugos.

Habana Febrero 5 de 1872.

Félix Ferrer.

——:o:——

GOBIERNO SUPERIOR POLITICO

DE LA PROVINCIA DE CUBA.

SECRETARIA.

A PROPUESTA DE LA COMISION CENTRAL DE COLONIZACION Y OIDO EL EXCMO. CONSEJO DE ADMINISTRACION, EL EXCMO. SR. GOBERNADOR SUPERIOR POLÍTICO SE HA SERVIDO DECRETAR LO SIGUIENTE:

Artículo 1.°

Todo colono chino que hubiese llegado á la Isla con posterioridad al 15 de Febrero de 1861, en que comenzó á regir en ella el Real decreto de 7 de Julio de 1860, está obligado á salir del país al cumplimiento de su contrata ó á recontra tarse con el mismo carácter de colono si quisiese permanecer en la Isla, con sujecion á lo dispuesto en el artículo 7.° del citado Real decreto, en el 51 y 52 de las instrucciones de 31 de Diciembre de 1868 y en la órden de este Gobierno Superior Político de 18 de Octubre de 1871.

Artículo 2.°

El colono que hubiese cumplido su contrata y desee salir de la Isla, será trasladado al depósito Municipal de la cabecera respectiva para que dentro de los dos primeros meses realice su embarque con arreglo á lo dispuesto en el

artículo 7.º del Real decreto de 7 de Julio de 1860 y en el 54 de las instrucciones de 31 de Diciembre de 1868; y si trascurrido el citado plazo de dos meses, no tuviese los fondos necesarios para sufragar los gastos de su viaje, ó teniéndolos no lo hubiese efectuado, quedará sujeto á la recontratacion, hasta que con ella reuna el chino el fondo necesario para su embarque, con el fin de ahorrar á los Municipios los gastos que produce la aglomeracion de colonos cumplidos, en los depósitos, prevenir los males de esa aglomeracion, y los que pudiera ocasionar la falta de aplicacion de un crecido número de asiáticos, haciendo á la vez por este medio, útiles esos brazos á la agricultura y á la industria, con provecho para el asiático.

Artículo 3.º

Si el depósito Municipal en que deba ingresar el colono, á que se refiere el artículo anterior estuviese distante de un puerto de mar, ó siéndolo no hubiese facilidad de encontrar buque que trasporte al asiático al punto á donde desee trasladarse, será inmediatamente remitido al depósito Municipal de la Habana, desde donde emprenderá su viaje á Ultramar.

Artículo 4.º

Los colonos desertores no reclamados por sus patronos dentro del plazo de once meses, contados desde su ingreso en los depósitos de cimarrones, quedarán en aptitud de recontratarse, considerándose en suspenso su primitiva contrata, conforme á lo dispuesto en el artículo 46 de las instrucciones de 31 de Diciembre de 1868.

Artículo 5.º

Los asiáticos que se hallen cumpliendo condenas de presidio ó reclusion, y hubiesen extinguido el tiempo de su primitiva contrata, ó en caso contrario no fueren reclamados por sus patronos, serán trasladados á los depósitos Municipales al cumplimiento de sus condenas, quedando

tambien sujetos á la recontratacion, si por el Gobierno Superior no se considerase conveniente su expulsion de la Isla, ó no fuese esta cláusula precisa ó expresa de sus condenas.

Artículo 6.°

Los colonos cuyos patronos renunciasen formalmente á su servicio por cualquiera causa que sea, quedarán sujetos á la recontratacion desde que tengan ingreso en los depósitos, ó desde su aprehension si se encontrasen prófugos al hacerse la renuncia de sus contratas.

Artículo 7.°

Para proceder á la recontratacion de los chinos, se acudirá por medio de instancia á este Gobierno Superior Político quien con arreglo á las bases del decreto de 13 de Diciembre de 1871, pasará la solicitud á la Comision Central de Colonizacion, la cual por sus especiales conocimientos y funciones de que está encargada, para auxiliar á la Administracion en la aplicacion de la legislacion dictada para moralizar, regularizar y utilizar los elementos de la Colonizacion asiática, instruirá el oportuno expediente sobre la pretension establecida, para que en ningun caso puedan conculcarse los derechos que á la proteccion del Gobierno tienen los colonos cumplidos que por causas agenas de su voluntad no hubiesen adquirido los medios necesarios para salir de la Isla.

Artículo 8.°

Si la Comision considerase atendible la solicitud establecida, por reunir el solicitante las condiciones de reconocido arraigo y abono, y existiese ademas en los depósitos Municipales respectivos el suficiente nú mero de asiáticos aptos para recontratarse, lo informará así á este Gobierno para que en el caso de conformarse co n lo informado, pueda devolver la instancia á la misma Comision

que ultimará el expediente, cuidando de que se cumpla en todo la legislacion vigente, por cuya exacta aplicacion está encargada de velar.

Artículo 9. °

Es circunstancia de imprescindible necesidad hacer constar en el expediente, la voluntad del chino para contratarse con el patrono que hubiese solicitado sus servicios, y el Gobierno declarará nulos los contratos en cuyos expedientes de concesion no se haya hecho constar la voluntad expresa de los asiáticos cuya libertad y derechos le garantizan las leyes.

Artículo 10.

Para hacer constar de un modo auténtico la conformidad de los asiáticos, la Comision de Colonizacion nombrará un delegado que en el depósito y á presencia del solicitante ó de la persona que este comisione, obtenga esa conformidad, extendiendo acta que suscrita por el mismo delegado, el solicitante y el encargado del depósito, se unirá al expediente con la relacion de los chinos que deban ser recontratados y las contratas extendidas por cuatriplicado con sujecion á lo prevenido en este reglamento, pasándolo todo á este Gobierno Superior Político, para que pueda ordenarse la salida del depósito y entrega bajo recibo de los colonos recontratados.

Artículo 11.

Para el caso de concederse la recontratacion de colonos existentes en los depósitos de las distintas cabeceras de la Isla, la Comision Central de Colonizacion podrá nombrar delegados encargados del cumplimiento de lo mandado en los artículos 9 y 10 de este Reglamento.

Artículo 12.

Ningun asiático cumplido podrá recontratarse por ménos de seis años, ni por mas de ocho; y lo que en contrario

conviniesen, no obligará á su cumplimiento ni al patrono ni al colono.

Artículo 13.

Las colonos desertores no reclamados por sus patronos, de que habla el artículo 3.°, solo podrán recontratarse por seis meses con el jornal de cuatro pesos mensuales, despues de vencido el plazo de once meses señalado para su reclamacion por los patronos á quienes pertenezcan: estas contratas de seis meses incluirán todas las obligaciones de la primitiva y podrán renovarse á su vencimiento, sinó hubiese perjuicio de tercero; pero en dichas contratas y sus renovaciones habrá de insertarse la cláusula siguiente en conformidad todo con lo dispuesto en los artículos 46, 47 y 48 de las instrucciones de 31 de Diciembre de 1868:

"El asiático N. N. declara que desertó de la casa ó finca de su patrono D. N. N. (ó cuyo nombre se ignora) y si se presentase este á reclamarlo, se obliga á indemnizarle todo el tiempo que ha trascurrido desde el dia de su desercion hasta aquel en que vuelva á su poder, terminada que sea esta nueva contrata."

Artículo 14.

Si el primitivo patrono se presentase reclamando al colono, podrá obligarlo á que concluido el tiempo de su nuevo empeño, cumpla el que aun le falta para extinguir su antigua contrata, como lo dispone el artículo 49 de las instrucciones de 31 de Diciembre de 1868; entendiéndose que esta obligacion es extensiva á los recontratados que fugasen del poder de sus nuevos patronos.

Artículo 15.

Todo el que tenga contratado en los términos prevenidos por el artículo 13, uno ó mas colonos prófugos, cuyos patronos se ignoren, estará obligado á presentar durante el dia y en los lugares en que se encuentren, los colonos prófugos que tengan recontratados, cualquiera que sea el

individuo particular que solicite verlos, siempre que este vaya autorizado al efecto, por el Inspector de vigilancia ó Capitan de partido de su residencia y que la revision de los colonos se verifique á presencia del patrono ó de su delegado, y estando estos ausentes, delante de la persona mas caracterizada que se encuentre en la finca, establecimiento ó casa; pues nada debe detener ni estorbar la revision. Los referidos funcionarios quedan obligados á expedir gratuitamente las referidas autorizaciones tan pronto como se les pidan, expresando en ellas el nombre y clase de la persona autorizada, así como los de los individuos que acompañen á este, que no podrán ser mas de dos; bien entendido que solo tendrán derecho á pedir las referidas autorizaciones los dueños de fincas establecimientos ó casas particulares que por medio del padron número 2.° acrediten tener colonos prófugos, pudiendo dichos dueños hacerse representar por delegados debidamente autorizados por cartas.

Artículo 16.

Las referidas autorizaciones servirán para toda la Isla, y los Inspectores de vigilancia y Capitanes de partido de las respectivas jurisdicciones, prestarán el auxilio que se les pida por el portador de aquellos permisos, los cuales caducarán y serán devueltos al funcionario que los expidió, á los tres meses de otorgados.

Artículo 17.

Los patronos cuyos colonos estén próximos á cumplir el tiempo de su primitiva contrata, manifestarán á este Gobierno Superior Político por medio de instancia y con tres meses de anticipacion, si desean recontratarlos con sujeccion á las bases de este Reglamento, y si les fuese concedida la autorizacion para proceder á la recontratacion, se hará esta sin necesidad del ingreso de los colonos en los depósitos, pero sin prescindir por ello de las formalidades establecidas para la recontratacion en general y muy particularmente de la exigida por el artículo 9.°

Artículo 18.

El trabajo de los asiáticos que se recontraten, solo podrá ser utilizado en beneficio de los que los recontraten, sin que en ningun caso ni por motivo alguno pueda permitírseles por los nuevos patronos que se ocupen en otros trabajos ó industrias, y mucho ménos exigírseles por ello extipendio ni retribucion de ninguna especie, conforme á lo dispuesto en el artículo 62 de las instrucciones de 31 de Diciembre de 1868.

Artículo 19.

Tampoco se permitirá á los nuevos patronos traspasar estas contratas, ni alquilar los asiáticos á otro individuo, con arreglo á lo prevenido en el artículo 63 de las instrucciones; pero por fallecimiento del patrono se considerarán trasferidas las contratas á los que le sucedan en todos sus derechos y acciones.

Artículo 20.

Los que falten á lo que se dispone en los artículos anteriores incurrirán en una multa de quinientos pesos por cada colono que hayan traspasado ó dado en alquiler, sin perjuicio de declararse rescindidas las contratas y de que vuelvan los chinos á los depósitos Municipales hasta que se contraten de nuevo.

Artículo 21.

Las nuevas contratas habrán de otorgarse en papel del sello 8.° y precisamente ante los Gobernadores ó Tenientes Gobernadores, quienes en su calidad de protectores delegados de los colonos, cuidarán del exacto cumplimiento de las disposiciones contenidas en este Reglamento.

Artículo 22.

Una vez otorgadas por cuatriplicado y firmadas por ámbas partes y la primera Autoridad local, dichas contratas serán remitidas, por conducto de estè Gobierno Superior político, á la Comision Central de Colonizacion para la correspondiente toma de razon, sin cuyo requisito las referidas contratas serán nulas.

Artículo 23.

Verificada dicha toma de razon, un ejemplar quedará en la Comision referida, otro en la Secretaría del Gobierno Superior y los dos restantes se entregarán al colono y su patrono.

Artículo 24.

Por cada colono que se recontrate, bien sea de la clase de cumplido ó prófugo, abonará el patrono la cantidad de cuatro pesos dos reales de su propio pecúlio, y sin derecho á descontárselo al colono de sus jornales, cuya cantidad se aplicará por la Comision á los gastos del personal y material de su oficina, rindiendo cuenta mensual de su inversion á este Gobierno Superior Político.

Los patronos cuyos colonos prófugos, sean encontrados, abonarán igualmente al tiempo de recuperarlos, cuatro pesos dos reales, sin perjuicio de los demas gastos de captura, &c, que, cuya cantidad tendrá que satisfacerla tengan misma aplicacion que queda expresada en el párrafo anterior.

Artículo 25.

Tanto los nuevos patronos de los colonos, como estos en su recontratacion quedan sujetos á cuanto se dispone en los capítulos 2.° y 3.° del Reglamento aprobado por Real decreto de 7 de Julio de 1860, sobre las obligaciones y derechos recíprocos de los trabajadores y sus patronos y la jurisdiccion disciplinar de estos.

Artículo 26.

El colono estará sujeto durante el tiempo de su recontratacion al cumplimipnto de su contrata, igualmente que al órden y disciplina que se observe en el establecimiento, taller, finca ó casa particular donde se le destine.

Artículo 27.

El colono indemnizará á su patrono de los dias y horas que por culpa propia, deje de trabajar, para cuya indemnizacion se prolongará su contrato el tiempo necesario. Por los dias de trabajo perdido por culpa suya, no devengará el colono salario alguno, sin perjuicio de las otras penas en que pueda incurrir por la culpa de que se trata, segun lo dispuesto por el artículo 61 del Real decreto de 7 de Julio de 1860.

Artículo 28.

Si el colono enfermase, no recibirá durante su enfermedad mas que la asistencia médica, que será obligatoria para el patrono, empezando á correrle el salario cuando restablecido se ocupe de nuevo en su servicio; y el tiempo que dejare de trabajar por enfermedad ó por causa originada de su voluntad y que no pueda evitar el patrono, no le servirá para la extincion de la contrata y estará obligado á indemnizarlo; pero cuando la enfermedad proceda de causa dependiente de la voluntad del patrono, gozará durante ella y la convalescencia, de su salario como si estuviese bueno contándose el tiempo de su enfermedad para el cumplimiento de la contrata.

Artículo 29.

Miéntras el colono estuviese enfermo se le asistirá en local adecuado con lo que reclamen sus males y exija su conservacion, proporcionándole auxilios, medicinas y facultativo por el tiempo necesario.

Artículo 30.

Se dará al colono el mismo alimento que se suministre á los demas trabajadores de su clase en el taller, finca ó casa particular á donde se le destine; y en el año se le darán tambien en los meses de Enero y Julio, dos mudas de ropa compuestas de sombrero de guano, camisa y pantalon de listado ó coleta, y zapatos de vaqueta, con el aumento en el mes de Enero de un chaqueton de lana y una frazada.

Artículo 31.

Las contratas se extenderán en español y en ellas expresará el colono su conformidad con el salario y goces particulares que se le consignan, aun cuando le conste que otros trabajadores ganan mas, porque la diferencia le está compensada con los beneficios que se le garantizan.

Artículo 32.

La persona que recontratase uno ó mas colonos, estará en la obligacion de presentarlos con su contrata y cédula á la autoridad local para inscribirlos en el padron de "colonos que están cumpliendo su contrata," acompañando al efecto la relacion que previene el artículo 8º de las instrucciones de 31 de Diciembre de 1868, cuya relacion original, una vez empadronados los colonos y anotados y sellados sus contratas y cédulas, como ordena el artículo 9º de las citadas instrucciones, será remitida á la Comision Central de Colonizacion por conducto de este Gobierno Superior.

Artículo 33.

El patrono que al cumplimiento de la recontrata del colono, no quisiere volver á contratarlo, lo pondrá en conocimiento de la Autoridad local, entregándolo en el depósito Municipal de la cabecera, al siguiente dia de vencida la contrata, é incurriendo en la pena de veinte y cinco pesos de multa si no lo hiciese; á ménos que por enfermedad justificada, se hallase el colono imposibilitado de salir de la finca.

Artículo 34.

Al ser entregado el colono en el depósito Municipal, el patrono entregará tambien á la Autoridad local, la contrata y cédula del asiático, firmando en ámbos documentos una nota en que se exprese haberse cumplido el contrato y entregádose el colono en el depósito. En esta nota pondrá el Vº Bº la Autoridad local, y por el conducto prevenido se remitirán dichos documentos á la Comision Central de Colonizacion.

Artículo 35.

Tambien será remitido á dicha Comision el ejemplar de la contrata que el colono tenga en su poder.

Artículo 36.

Por la Comision Central de Colonizacion, se publicará periódicamente una relacion de los colonos que existan en los depósitos Municipales pendientes de recontratacion.

Artículo 37.

Todo asiático de los que llegaron con posterioridad al 15 de Febrero de 1861, y que cumplida su primitiva contrata se encontrase en una finca, establecimiento industrial ó de comercio, ó en casa particular, sin estar recontratado con el dueño de alguno de los expresados establecimientos, será conducido al depósito Municipal de la cabecera para que se proceda á su recontratacion en la forma establecida en este Reglamento, ó la entrega á su patrono si resultase ser colono prófugo.

Artículo 38.

El dueño de la finca, establecimiento ó casa en donde se encontrare el asiático, será castigado con una multa de quinientos pesos por cada asiático, quedando sujeto á las demas responsabilidades legales, y publicándose en la Gaceta oficial la imposicion de dicha multa, y el hecho que la motiva.

Artículo 39.

En igual pena incurrirá el que tenga acomodado en su establecimiento, finca ó casa particular algun colono recontratado por otra persona.

Artículo 40.

La quinta parte del importe de dichas multas y de la que se establece por el artículo 20 será entregada por la Hacienda pública, á la autoridad ó funcionario de policía que descubra el hecho ó al particular que lo denuncie. De todo se dará parte á este Gobierno Superior, acompañando la mitad correspondiente al papel de multa en que se haya hecho esta efectiva, y en su vista se dará cuenta á la Intendencia para el pago dentro de tercero dia de la cantidad que corresponda.

Artículo 41.

La autoridad ó funcionario del distrito en que haya resultado cierta y verdadera la denuncia del artículo anterior, será inmediatamente separado de su destino y sujeto á las demas responsabilidades que del expediente resulten.

Artículo transitorio.

Los colonos asiáticos que desde el 13 de Diciembre de 1871 han quedado en tutela, están sujetos á la recontratacion definitiva y á revision de la Comision Central de Colonizacion, todas las recontratas de cualquier clase que se hayan celebrado, á partir de la misma fecha; á cuyo efecto sus tutores y patronos están en el deber de acudir al Gobierno segun lo dispuesto en el artículo 7.° y demas concordantes, bien entendido que de no verificarlo, se declararán nulas las recontrataciones.

Y de órden de S. E. se publica en la Gaceta para general conocimiento.

Habana 14 de Setiembre de 1872.—El Secretario, *Miguel Suarez Vigil.*

DIRECCION DE ADMINISTRACION LOCAL.

Seccion de Fomento.

Formularios á que se refieren las instrucciones publicadas para la aplicacion del reglamento de introduccion de colonos asiátic

MODELO NUM. 1.

RELACION que el que suscribe presenta de los colonos asiáticos que segun las contratas y cédulas adjuntas existen en (la finca tal) ó en (la casa núm ..... d

Nombre del colono.	Sexo.	Edad.	Estado.	Oficio.	Tiempo de su contrata.	Fecha en que cumple.	Nombre del patrono.	Su profesion.	Su domicilio.
Antonio.....	Varon.....	28 años.....	Soltero.....	Cocinero.....	8 años.....	1º Junio 1871.....	D. Antonio Gutierrez....	Comercio	Habana.....
Agustin.....	Idem.....	32 idem.....	Idem.....	Campo.....	2 idem.....	25 Noviembre 1869.	Idem.....	Idem.....	Idem.....

Fecha.

Firma del patrono ó encargado de la fi

MODELO NUM. 2.

RELACION que el que suscribe presenta de los colonos asiáticos que tiene contratados segun los documentos adjuntos, cuyos colonos se encu

Nombre del colono.	Sexo.	Edad.	Estado.	Oficio.	Tiempo de su contrata.	Fecha de la contrata.	Nombre del patrono.	Su profesion.	Su domicilio
Cárlos.....	Varon.....	25 años.....	Soltero.....	Carpintero.....	8 años.....	1º Julio 1868....	D. Juan Fernandez.....	Comercio	Habana.....
Eusebio.....	Idem.....	27 idem...	Idem.....	Campo.....	8 idem	1dem.....	Idem	Idem.....	Idem .....

Fecha.

Firma del patrono ó encargado de la c

MODELO NUM 3.

RELACION de los colonos asiáticos detenidos en el depósito municipal de cimarrones de..... formada con arreglo á lo declarado por dichos colo

Nombre del colono.	Filiacion.	Oficio.	Nombre del patrono.	Su domicilio.	Fecha de la fuga.	Punto de donde fugó.	Fecha ingreso en el

Fecha y firma.

INISTRACION LOCAL.

le Fomento.

a la aplicacion del reglamento de introduccion de colonos asiáticos.

y cédulas adjuntas existen en (la finca tal) ó en (la casa núm..... de la calle tal).

le.	Nombre del patrono.	Su profesion.	Su domicilio.	OBSERVACIONES.
.....	D. Antonio Gutierrez....	Comercio	Habana.....	Recontratado en 25 Noviembre 1867.
1869.	Idem.....	Idem.....	Idem.....	

Fecha.

Firma del patrono ó encargado de la finca ó casa.

ntratados segun los documentos adjuntos, cuyos colonos se encuentran prófugos.

.	Nombre del patrono.	Su profesion.	Su domicilio	Fecha de la fuga.	Punto de donde fugó.
...	D. Juan Fernandez.....	Comercio	Habana.....	4 Mayo 1866.....	Calle tal núm..... Habana.
....	Idem.....	Idem.....	Idem.....	10 Abril 1865....	Ingenio tal..... Colon.

Fecha.

Firma del patrono ó encargado de la casa ó finca.

..... formada con arreglo á lo declarado por dichos colonos y á los respectivos antecedentes.

Fecha de la fuga.	Punto de donde fugó.	Fecha del ingreso en el depósito.	Remitido á este depósito por

Fecha y firma.

MODELO NUM. 4.

RELACION de los asiáticos que han cumplido sus contratas y existen en el depósito de..... pendientes de embarque, ó para con

Nombre del colono.	Filiacion.	Oficio.	Fecha en que cumplió su contrata.	Fecha de su ingreso en el depósito.	Objeto d

Fecha y firma.

MODELO NUM. 5.

RELACION de los asiáticos existentes en la cárcel pública de.....

Nombre del asiático.	Condicion.	Filiacion.	Nombre del patrono.	Su domicilio.	Fecha del ingreso en la cárcel	Causa del encarcelamiento.	
Dionisio.....	Colono.....	.....	D. Antonio Hernandez...	Habana.....	29 Setiembre 1868.....	Homicidio.....	.....
Fernando.....	Lib e.....	.....a.....	.....	.....	1º Octubre.....	Robo.....	Domic
Francisco.....	Cumplido.....	.....	.....	.....	15 Setiembre.....	Heridas.....	Proced

Fec

MODELO NUM. 6.

RELACION de los asiáticos existentes en el presidio de.....

Nombre del asiático.	Condicion.	Filiacion.	Nombre del patrono.	Su domicilio.	Tiempo de condena.	Fecha. en que cumple su condena.	Delito.

Fecha y firma

MODELO NUM. 7.

PADRON de los asiáticos cumplidos y domiciliados en la Isla, que existen en el distrito.....ó capitanía del partido de.....

Nombre.	Oficio.	Estado.	Edad.	Filiacion.	Fecha de su llegada á la Isla.	Nombre de su primer patrono.	Idem del último.	Fecha de su carta de domicilio.	A que

Fec

el depósito de..... pendientes de embarque, ó para contratarse de nuevo.

su con'rata.	Fecha de su ingreso en el depósito.	Objeto de su residencia en el mismo.

Fecha y firma.

nicilio.	Fecha del ingreso en la cárcel	Causa del encarcelamiento.	OBSERVACIONES.
a.....	29 Setiembre 1868.....	Homicidio.....	.....
.....	1º Octubre.....	Robo.....	Domiciliado en la Habana.
.....	15 Setiembre.....	Heridas.....	Procedente del depósito *tal*.

Fecha y firma.

Tiempo de condena.	Fecha. en que cumple su condena.	Delito.	OBSERVACIONES.

Fecha y firma.

el distrito.....ó capitanía del partido de.....

echa llegada a Isla.	Nombre de su primer patrono.	Idem del último.	Fecha de su carta de domicilio.	Autoridad que la expidió.	Domicilio
					Calle y número ó nombre de la finca.

Fecha y firma.

Mord

ackgd. Nov. 29th

DEPARTMENT OF ST. NOV 14 1878 RECEIVED

No 748.— U. S. Consulate General

Havana, Novr 4th 1878.

Mr Hall to the

Department of State.

American citizens - Slave owners in Cuba.

Accompanying copies and trans-
lations of an official communica-
tion, dated 13th June ult: addressed
to Mr. José Manuel Trelles, a citizen
of the United States, by the local
Governor of Matanzas, also an article
from the newspaper "El Triunfo"
of the 18th October, upon the same
subject, and the report of the
"Bureau of Contentious Cases"

to Mr Trelles appeal.

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3 Inclosures.

No 748. U. S. Consulate General

Havana. November 4th 1878.

Hon F. W. Seward

Assistant Secretary of State.

Washington.

Sir:

Mr José Manuel Trelles a native of this Island, went to the United States at the outbreak of the insurrection and resided there eight to nine years during which, he became naturalized. His property in Cuba was embargoed, by the General Government of the Island, in 1869: he was at the time the owner of several slaves, who were also embargoed.

Mr Trelles returned to Cuba upon the publication

of the amnesty in March last.
In soliciting the restoration of his slaves an incident occurred which, in my opinion, merits the attention of the Department, showing as it does the extent of legal knowledge possessed by General Jovellar and his advisers and their disposition towards Mr Trelles, whose sole offence appears to have been his having changed his allegiance:

The facts of the case are set forth in the accompanying copy of a communication addressed to Mr Trelles by the Governor of Matanzas, in which he transcribes the order of Governor General Jovellar, giving freedom to the slaves and his reasons therefor.

therefor.

The Secretary General, by order of H.E, refers to an imaginary "fundamental law" of the United States, with which, he says, Mr Trelles as an American citizen, is under obligations to comply: that the said "fundamental law" not only prohibits their subjects holding slaves, but imposes upon transgressors the penalty of the loss of nationality: for these reasons H.E. the Governor General was pleased to decide, under date of 27th May ultimo, that Mr Trelles' slaves are entitled to their freedom and he therefore orders that they shall be taken from Trelles's possession and be furnished with vicinage certificates as free persons.

The action of the Governor General appears to have had it's origin in no philanthropic sentiment but in some petty ill-will, of his advisers, against Mr Trelles and although illegal, beyond question, still the slaves once having been provided with official documents of any kind recognizing them as free persons, cannot by any process of law existing here be remanded to slavery.

Mr Trelles appealed against the administrative act of General Jovellar asking for its revocation: this appeal in the usual course was submitted to a council to report whether the same was admiss-ible: this recourse has been refused

and the matter decided to be of purely gubernative competency. The action of General Jovellar is declared to have been in obedience to no existing law, but the "Bureau" reports also that possibly it may be in accordance with some extra-ordinary, or discretional powers — possessed by him of which, of course, it knows nothing.

The legal status of this case is set forth in an article, which appeared in the "El Triunfo" of the 18th ultimo, and of which I transmit a copy and translation. I will further add that it is well understood here, among the functionaries of the Government, that General Jovellar is himself — personally responsible and liable to

3

Mr Trelles on account of his unlawful exercise of a power which did not pertain to him.

The case is reported to the Department for its information solely. Mr Trelles has made no representation with the view of instituting a claim through diplomatic channels.

I have the honor to be Sir,

very respectfully

Your Obedient Servant.

Henry C Hall

Consul General

Inclosures

1- The Governor of Matanzas to José Manuel Trelles, June 15th/78-

2- Report of the "Bureau of Contentious Cases."

3- Article from the "El Triunfo" of Oct 18th 1878.

Inclosure Nº 1.
With Dispatch Nº 748.
Havana, November 4th 1878.
Translation.

Civil Government
of
Matanzas

The Secretary of the General Government of the Island, under date of the 4th instant, says to me the follow=ing:

"Most Excellent Sir: Mr José "Manuel Trelles to whom "the consultory letter of Y.E, "of 20th May ultimo, refers, "was not a citizen of the United "States at the time he was "declared disloyal and his "property embargoed.

"The circumstance "of his having subsequently "obtained letters of natural=="ization in that republic

"does not exempt him from the
"responsible he was under
"when he was a Spanish
"subject: he is therefore
"perfectly comprised in the
"last decrees of pardon in
"virtue of which his embargoed
"property, as of all others, has
"been restored.

"If notwithstanding
"all this the interested
"party manifests that he has
"made his claims as a North
"American citizen, and not
"as having accepted the pardon
"and submitted in obedience
"to the Government, it is a
"vain extemporaneous and
"mistaken boast, as his property
"has been restored not because
"he is a subject of the United
"States but in consequence of
"the generous policy of Their
"Excellencies the Governor
"General and the General

"in chief of the Army of
"operations.
"
"And aside from
"from the fact that it is not
"demonstrated that the inter-
"ested party is a North Ameri-
"can subject, (inasmuch as in
"this Island every foreigner to
"be considered such must
"comply with the requirements
"of Art. 4to of the Law of 4to
"July 1870) Mr. Trelles is under
"obligations to comply with the
"fundamental laws of the
"United States, which not only
"prohibit their subjects holding
"slaves but which also in case
"they do, punish them with
"the loss of nationality, and
"therefore as he is a North
"American in one sense he
"should be one in all."

"For these reasons H.E.
"the Governor General has been
"pleased under date of the

"27th May ultimo to decree the
"concession of freedom to the
"slaves Valentin, Agustina,
"Emilia, Tomasa, Martina
"and the children of the last
"three, who having been born
"since the 17th September 1868,
"are free of their own right -
"with which object V.E. will
"please dispose that the said
"slaves be taken from the posses
"ion of Mr Trelles and provided
"with their corresponding vicinage
"certificates as free persons.

"Which I communicate
"to V.E. as the result of your
"consultory letter referred to
"and for the purposes indicated.

I transcribe it to you
for your information and govern-
-ment.

× × × ×

Matanzas 13th June 1878.
Acosta

Mr José Manuel Trelles.
Matanzas.

copy

Copy of the original -

Sello Gobierno Político
de
Matanzas.

El Ilmo Señor Secretario del Gobierno General de la Isla me dice con fecha 4 del actual lo siguiente:

"Exmo Señor: Don "José Manuel Trelles á quien se "refiere la consulta de VE. fecha "20 de Mayo ultimo, no era "ciudadano de los Estados "Unidos en la epoca en que "fue declarado infidente y "se le embargaron sus bienes. "La circunstancia de que "posteriormente haya alcan= ="zado carta de nacionalidad "en aquella república no le "exime de la responsabilidad "que contrajo cuando era "subdito español: y por tanto "se halla perfectamente

"comprendido en los últimos decretos
"de indulto en virtud de los
"cuales se le han devuelto, como
"á todos los demas sus bienes
"embargados: Si apesar de esto
"el interesado manifiesta que
"ha hecha sus reclamaciones
"como ciudadano norte america-
=no, y no como acojido á indulto
"y sometido á la obediencia del
"Gobierno, es un alarde vano y
"extemporáneo y equivocado, puesto
"que se le han devueltos los bienes,
"no por ser subdito de los Estados
"Unidos, sino por consecuencia
"de la politica generosa de los
"Exmos Srēs Gobernador General
"y General en Gefe del ejercito de
"operaciones. Y aparte de que
"no está demostrado que el interes
=ado sea tal subdito norte
="Americano puesto que en esta
"Isla todo estrangero para ser
"considerado como tal, tiene
"que cumplir con los requisitos

"que marca el articulo 4° de
"la Ley de 4 de Julio de 1870.
"el Señor Trelles tiene obliga=
="cion de cumplir las leyes
"fundamentales de los Estados Unidos
"que no solo prohiben á sus subditos
"el poseer esclavos, sino que tambien
"en este caso les pena con la
"pérdida de la nacionalidad;
"y ya que es norte americano
"en un sentido, debe serlo en todo.
"Por tales razones, el Exmo Señor
"Gobernador General se ha servido
"decretar con fecha 27 de Mayo
"último la concesion de la libertad
"á los esclavos Valentin, Agustina,
"Emilia, Tomasa, Martina y
"los hijos de estas tres ultimas. (que
"si han nacido despues del 17 de
"Setiembre de 1868, son libres por
"derecho propio) con cuyo objeto
"se servirá VE disponer que sean
"recojidos dichos esclavos del poder
"del Sr. Trelles, y provistos de las
"correspondientes cedulas de recindad

"como libres.

"Lo que comunico á
"V.E como resultado de su referida
consulta y á los efectos indicados"

Lo que traslado á V.
para su conocimiento y gobierno

Dios guarde á V.E. m.s a.s

Matanzas, 13 Junio 1878

Acosta.

Sr. Dn José Manuel Freites

Inclosure N° 2.
With Dispatch N° 748.
Havana, November 4th 1878.

Report of the Bureau of contentious cases, in the matter of Mr José Manuel Trelles.

Excellency:

The 'Bureau of Contentious cases' has examined this demand established by Don Manuel Trelles, a citizen of the United States, against the resolution of the 27th May ultimo giving freedom to the negresses, Tomasa, Emilia, Martina, Agustina, Valentina and to the children of the first three: It appearing therefrom that Trelles being absent in New Orleans his properties were embargoed on the 29th October 1869: That, on the 1st December 1877

he became an American citizen:

That subsequently and after the general ammesty was given out he returned to Cuba:

That favoring the decree of the 4th April of the present year, in regard to the disem=bargo of properties, he asked for and obtained the restitution of his own among which were the slaves referred to in the process:

That the Governor of Matanzas in making the delivery called the attention of the Governor General of the Island, to the fact that Trelles had claimed his property not as accepting the ammesty and submitting to the Government but as an American citizen:

That the Governor General (Jorellar) having in

view only the erroneous report of the Political Bureau, in regard to whether American subjects are prohibited hold= =ing slaves under penalty of the loss of nationality, ordered that those of Trelles should have their freedom:

That Trelles inter= =posed a demand of contentious recourse against the said resolution after having appealed to the Governor General (Martinez de Campos) by memorial dated 1st July asking the revocation of the resolution and observing that at the date on which the former was interposed no resolution had been made in regard to the latter:

Considering, that the measure taken by H.E. the Governor General (Jorellar) respecting the slaves of Dn

Manuel Grelles is in
accordance with no law,
upon the subject, in force:
Considering; therefore that
it must have been given in
the exercise of the discre-
-tional or extraordinary
powers which the said
Superior authority may
possess:

Considering, that in
virtue of the same the said
measure must be understood
as purely gubernative:

Considering that to be
entitled to the right to the
recourse of revocation, its
interposition should be made
to the Supreme Government
of the Nation from which,
in such case, the Governor
General would receive due
instructions:

Considering that in
no way is it possible, within

good

good legal forms for this
subject to go on well, while
making use simultaneously
of the gubernative and
contentious recourse: The
Bureau is of the opinion
that Your Excellency can
declare out of place the
contentious demand inter
posed by Trelles against
the resolution of the 27th May
ultimo and that the General
Government is competent to
have cognizance of the claim
of the said Trelles."

In compliance with the
resolution of the said Bureau
I communicate it to you to the
end that within the period
of ten days you may state to
the same in writing whatever
you may consider convenient
to your interests.

Copy

Exmo Señor:

La seccion de lo contencioso ha examinado esta demanda establecida por Dn Manuel Trelles ciudadano de los Estados Unidos, contra la resolucion de 27 de Mayo último, concediendo la libertad á las negras Tomasa, Emilia, Mar=
=tina, Agustina, Valentina, y á los hijos de las tres primeras.

Resultando que ausente Trelles en Nueva Orleans, fueron embargados sus bienes en 29 de Octubre de 1869.

Resultando que en 1º de Diciembre de 1871 se hizo ciu=
=dadano americano.

Resultando que posterior=
=mente regresó á Cuba, dado que fue el indulto general.

Resultando que favoreciendo el decreto de 4 de Abril del presente año sobre desembargo de bienes,

pidió y obtuvo que se le devol=
=viesen los suyos, entre ellos los
esclavos á que se contrae el
presente expediente.

Resultando que el Gober=
=nador de Matanzas al
hacer dicha entrega, llamó
la atencion del Gobernador
General de la Isla, en cuanto
á que Trelles habia hecho la
reclamacion de sus bienes, no
como acojido á indulto al
Gobierno sino como ciudadano
Americano.

Resultando que el Gober=
=nador General en vista solamente
del informe equivocado del
Negociado de Politica, sobre
que á los subditos americanos
les estaba prohibido poseer
esclavos, so pena de la pérdida
de la nacionalidad, dispuso
que se le diera la libertad á
los referidos de Trelles.

Resultando que este

interpuso demanda por la via contenciosa contra dicha resolucion despues de haber acudido al Gobernador general con la instancia de 1º de Julio del año actual, pidiendo la revocacion de aquella, y observando que en la fecha en que interpuso la primera no habia recaido providencia sobre la segunda:=

Considerando que la medida tomada por el Exmo Sor Gobernador General respecto á las esclavas de Dn Manuel Trelles no obedeció á disposicion alguna vigente sobre la materia.

Considerando que debió ser dada por consiguiente en uso de las facultades discrecionales ó estraordinarias que residieran en dicha autoridad Superior.

Considerando que en tal virtud es de entenderse la espresada medida como puramente gubernativa.

Considerando

Considerando que de corres-
ponder el recurso de alzada
procederia su interposicion
para ante el Gobierno Supremo
de la Nacion de quien en caso
recibiria el Sr Gobernador general
las instrucciones debidas.

Considerando que de todas
maneras no es posible dentro
de las buenas formas legales
que este asunto prospere
usandose simultaneamente
la via gubernativa y la
contenciosa;

La Seccion es de parecer
de que puede VE declarar sin
lugar la demanda contenciosa
interpuesta por D.n Manuel
Erelles contra la resolucion de
27 de Maya ultimo, y que es de
la competencia del Gobierno
General conocer de la reclamacion
del repetido Erelles.

En cumplimiento de
lo acordado por la enunciada

seccion lo comunico á V. á
fin de que dentro del termino
de diez dias esponga á la
misma por escrito lo que
crea conveniente á sus dere=
-chos.

Dios &c. —

Inclosure N° 3.
With Dispatch N° 748.
Havana November 4th 1878.

From the "Triunfo" of
18th October 1878.

Cuestion importante.

Se nos pregunta si la adquisicion de la ciudadanía americana por un poseedor de esclavos en Cuba, puede determinar la libertad de éstos, con arreglo á la legislación de España y la de los Estados Unidos. Sin vacilar, contestamos que no.

Segun nuestras leyes, puede adquirir y poseer esclavos en Cuba toda persona libre, cualquiera que sea su nacionalidad. Jamás se ha oido que á ningun extranjero se haya siquiera intentado aquí coartarle el ejercicio de ese derecho, de que disfrutan hasta las mismas personas de color. Y no podía ménos de suceder así desde el momento en que, por una deplorable trasgresion de la ley natural, unos hombres fueron puestos en el comercio de otros hombres, privándoles de su dignidad humana para convertirlos en cosas sujetas á dominio. Todo lo que pueden adquirir y poseer los nacionales pueden los extranjeros adquirirlo y poseerlo tambien, como no sean buques españoles y otras propiedades de excepcion, en que no se comprenden los esclavos.

No conocemos ninguna ley americana que prohiba á los ciudadanos de los Estados Unidos adquirir y poseer esclavos, fuera del territorio de la Union, se entiende, pues allí no existe la esclavitud. Sabemos solamente que el General Grant, en su Mensage presidencial de 2 de Diciembre de 1872, recomendó al Congreso que pasase una ley estableciendo aquella prohibicion. Hé aquí las palabras del General Grant:—"Tristemente convencido de que la continuacion de la esclavitud es una de las causas más activas del lamentable estado de las cosas en Cuba, tengo el sentimiento de saber que varios indivíduos que son ciudadanos de los Estados Unidos, ó pretenden serlo, son propietarios en Cuba en grande escala de eso que llaman propiedad y que en los Estados Unidos está prohibida por las leyes... Recomiendo, pues, que se hagan leyes adecuadas para reprobar, si no impedir que los ciudadanos americanos tengan esclavos, ó trafiquen con ellos, ó á lo ménos para desalentarlos en este asunto."

El Congreso no tuvo por conveniente pasar la ley que Grant recomendaba; y cuatro años después el diputado radical Mr. Springer presentó el siguiente proyecto de ley:—"Acuérdese por el Senado y la Cámara de Representantes de los Estados Unidos de América reunidos en Congreso, que se prohiba por la presente á los ciudadanos de los Estados Unidos que residan transitoriamente ó hagan negocios en paises etranjeros el poseer, alquilar, comprar, vender ó en modo alguno traficar en personas tenidas como esclavas en sus dependencias; y que todos los ciudadanos de los Estados-Unidos que violen las prescripciones de esta ley personalmente ó por sus agentes ó empleados serán privados de todo derecho á la proteccion del Gobierno de los Estados Unidos por las injusticias cometidas ó por las pérdidas que sufriesen en dichos estados ó paises extranjeros ó sus dependencias con relacion á dichos esclavos."

Este proyecto de ley no corrió mejor suerte que la recomendacion del Presidente Grant. Se leyó dos veces, pasó á la Comision de Negocios Extranjeros, se mandó imprimir, se imprimió, y, de ahí no pasó, pues la Comision ni siquiera lo informó; y como los proyectos de ley no reviven en la legislatura inmediata á aquella en que no fueron aprobadas, el de referencia quedó *muerto de muerte natural*, como allá se dice.

Quede pues, establecido que ni por nuestras leyes ni por las de los Estados Unidos está prohibido á los ciudadanos americanos tener esclavos en Cuba.

Si el *bill* de Mr. Springer hubiera pasado en el Congreso, sus efectos se habrian limitado á privar al trasgresor de la proteccion de su Gobierno, caso de reclamarla por injusticias ó pérdidas sufridas en Cuba y relacionadas con el dominio y posesion de esclavos; sin que en ningun caso la violacion de la proyectada ley americana pudiera producir la nulidad de los contratos ni la libertad de los esclavos; porque la eficacia de las leyes nunca traspasa los límites del país en que se dictan, ni sería posible intentarlo sin menoscabo de la soberanía é independencia de las demas naciones. Así pues, ninguna Autoridad americana podría declarar la libertad de esclavos poseidos por un ciudadano americano en Cuba; ni tampoco ninguna Autoridad española podría fundar igual declaracion en aquella supuesta ley.

Translation —

Important Question.

We are asked whether the acquisition of American citizen-ship by an owner of slaves in Cuba can determine the freedom of these, in accordance with the legislation of Spain and that of the United States. We do not hesitate in answering — no.

According to our laws every free person of whatever nationality can acquire and own slaves in Cuba. Never has it been heard of here that any attempt has ever been made to restrict any foreigner in the exercise of this right which is enjoyed even by persons of color themselves. And it could not be otherwise from the moment in which, by a deplorable transgression of a natural law, men became the traffic of other men,

and deprived of human dignity in order to be turned into chattels subject to dominion. All that citizens of the nation can acquire and possess, foreigners can also acquire and possess except Spanish vessels and other exceptional properties in which, however slaves are not comprised.

We know of no American law which prohibits, citizens of the United States, the acquisition and possession of slaves outside of the Union, it is understood, for there slavery does not exist. We only know that General Grant in his presidential message of the 2d December 1872., recommended to Congress the enactment of a law, establishing that prohibition. These are the words of General Grant. —

"Deeply impressed with the

"conviction that the continuance
"of slavery is one of the most
"active causes of the continuance
"of the unhappy condition of
"Cuba, I regret to believe that
"citizens of the United States,
"or those claiming to be such,
"are large holders in Cuba of
"what is there claimed as
"property, but which is forbidden
"by the laws of the United States.
"I recommend therefore such
"legislation as may be proper
"to denounce and if not to
"prevent at least to discourage
"American citizens from holding
"or dealing in slaves."

Congress did not deem it convenient to pass the law recommended by Grant, and four years afterwards the radical deputy Mr Springer presented the following bill.

"Be it resolved by the Senate
"and House of Representatives

of

"of the United States of America
"in Congress assembled; That
"citizens of the United States
"residing temporarily or doing
"business in foreign countries
"are hereby prohibited owning,
"hiring, purchasing, selling
"or in any way trafficking
"in persons held as slaves in
"these countries; and that all
"citizens of the United States
"who violate the provisions of
"this law personally or through
"their agents or employees
"shall be deprived of all right
"of the protection of the Govern=
="ment of the United States
"for injustices committed or
"for the losses they may
"suffer in said states or
"foreign countries or their
"colonies with relation to said
"slaves."

This proposed law
met with no better success

than the recommendation of President Grant. It was read twice, passed to the Committee on foreign affairs, ordered to be printed, and went no farther - as the Committee did was printed, not even report upon it; and as bills are not called up in the congress following the one in which they have failed of approval, it therefore "died a natural death" as they say there.

It is established therefore that neither by our laws nor by the laws of the United States are American citizens prohibited holding slaves.

If Mr Springer's bill had passed Congress its effects would have been limited to depriving the transgressor of the protection of his Government in case of reclamations for injuries or losses suffered in

Cuba in relation with the ownership and possession of slaves, and in no case would the violation of the proposed American law produce nullity of contracts or the liberty of the slaves: because the effect of laws never extends beyond the boundaries of the Country which makes them, nor would it be possible to attempt it without prejudice to the sovereignty and independence of other nations

Clearly then no American authority can declare freedom to slaves held by an American citizen in Cuba: Neither can any Spanish authority base a like declaration upon that supposed law.

Mr Wood
&
Mr Connor

DEPARTMENT OF ST
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File

Acknowledgment of Mr Hall's dispatch

accepted Dec. 5th

No 749. — U.S. Consulate General
Havana. Nov.r 9th 1878.

Mr Hall, to the
Department of State

Case of Mr Manuel José de Rojas.

Acknowledging the receipt of Instruction No 476 of 29th ultimo and telegram of the 7th instant, relating to the above case.

N°749.— U.S. Consulate General
Havana, November 9th 1878.

Hon F.W. Seward-
Assistant Secretary of State.
Washington-

Sir:

I have the honor to acknowledge the receipt of your instruction N°746 of the 29th ultimo, accompanying copies of correspond-ence between the Department and the Spanish Chargé d'Affaires in the United States relative to the embargoed estate of Mr Manuel José de Rojas. I have also received your telegram of the 7th instant, advising me that the correspond-ence, in question, has been referred by the Legation to the Governor General for decision, on its merits, and instructing me to give the matter prompt and earnest attention with the view of final close and restoration.

Complying with these ins=
=tructions, I called today on the
Secretary General and requested to
be informed whether any action has
been decided upon relative to the
restoration of Mr Rojas' estate, the
San Rafael, with the view of commu=
=nicating the same to the Department.
The Secretary stated that the
correspondence had been received
and that a reply would be made
to Mr Evarts's communication
through the same Legation.
From the tone and manner
in which this information was
given me, I inferred that the
correspondence had not proved
as satisfactory as was expected,
when the subject was transferred
to Washington; that he, at least,
was greatly disappointed in
the result, and his "amour propre"
not a little pigued.

I am Sir, very respectfully
Your Obedient Servant
Henry C Hall
Comml Genl

Printed Brief
Report.

Wood
Asst

DEPARTMENT OF ST
NOV
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No 750. U.S. Consulate General

Harana, Nov 13th 1878.

Mr Hall, to the

Department of State.

The Schooner "Lula Ammerman"

Asking for instructions in the case of a demand made for the removal of a master and partial owner of a vessel, under Section 4250 of the Revised Statutes.

No 750. U.S. Consulate General

Havana, November 13th 1868.

Hon F.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

An application has been made to me by Mr Jonas. S. Higbee, holding the power of attorney, in due form, of George H. Squire and others who own more than one half of the schooner "Lulu Ammerman" of New York, for my assistance in removing the present master, Mr Samuel V. Pierson, one fourth owner, and placing himself, Higbee, in command of the said

vessel. This assistance is required of me in accordance with Section 4250 of the Revised Statutes, which covers the case, the master not being embra=ced in the exceptions named therein.

The vessel has very recently arrived from the United States, having been lying at New Orleans and Pass Christian for more than two months, since her arrival there from Sagua in August last, and it seems to me rather singular that the owners took no steps, while the vessel was within the jurisdiction of the United States,

to

to obtain possession of her through the courts - to which, I should suppose, the case properly belongs, more — especially as the alleged motive for the removal are said to have existed more than a year.

Mr Pierson refused to surrender the command of the vessel except upon compulsion: he says he has an agreement with the owners to sail the vessel upon shares, which is not limited as to time, this — agreement he cannot produce but he states that it is at his home in the United States. On the other hand the owners

allege that he has rendered no account of the vessel's earnings for more than eighteen months; all of which are, beyond a doubt, questions of judicial and not of consular competency.

The object of this dispatch, in reporting this case, is to request the Depart-ment to advise me whether it considers Section 4250 binding upon consular officers to the extent demanded by the owners of the vessel and whether I would be justified in calling upon the port authorities for assistance in removing the present

master and appointing
the person the owners
have named for the same
position.

I will further add
that I have used and still
use my best efforts to bring
about a satisfactory settle=
=ment of the difficulty
between the parties, but
their mutual pretensions
are so widely apart that
I have little hopes of bringing
about a compromise..
I have the honor to be, Sir,

very respectfully
Your Obedient Servant.

Henry C Hall
Consul General.

Wood

DEPARTMENT OF STATE
NOV
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No 751. — U.S. Consulate General
Havana, Nov.r 15th 1878.

Mr Hall, to the
Department of State.

The Schooner "Lulu Ammerman".

Appointment of Jonas S.
Higbee as master of the above
named vessel, in lieu of
Samuel V. Pierson late
master.

No 751.— U.S. Consulate General.
Havana, Nov 15th 1878.

Hon J.W. Seward
Assistant Secretary of State.
Washington-

Sir:

Referring to my dispatch, No 750 of the 13th instant, relating to the case of the Schooner "Lulu Ammerman", I have now to acknowledge the receipt of your telegram, of yesterday, as follows.

"Hall, Consul, Havana.

" Remove Pierson and "appoint Higbee master "Lulu "Ammerman" "unless controlling "objection appears.- Seward"

In accordance with this instruction I have appointed Higbee master of the vessel and have placed him in possession, advising the officers and crew that he is to be

recognized as such master. I have also appointed two respectable shipmasters to take an inventory of the effects on board and of the appurtenances of the vessel.

For the reasons given in my dispatch referred to, I had doubts about my right to remove Pierson, but in view of your telegraphic instructions and of facts coming to my knowledge that he was acting dishonestly towards the owners of the vessel, I decided to appoint the new master, after having used every effort to effect a friendly settlement of the difficulties.

I have the honor to be Sir,

very respectfully

Your Obedient Servant.

Henry C. Hall

Consul General

Mr Wood

No 752. U. S. Consulate General

Havana, Novr 15th 1878.

Mr Hall, to the

Department of State.

Commercial Agency of Baracoa.

Transmitting correspondence relating to the recognition of Mr Datus E. Coon as Commercial Agent of the United States at Baracoa.

One inclosure

N°752. — U.S. Consulate General
Havana, Nov 15th 1878.

Hon F.W. Seward
Assistant Secretary of State.
Washington.

Sir:

Referring to your instruction, N°467 of the 26th July and to my dispatch N°737 of the 26th September ultimo, relating to the appointment of Mr Gatus E Coon as Commercial Agent of the United States at the port of Baracoa in this Island, I now transmit a copy and translation of an official letter of the Secretary General advising me that the usual temporary recognition has been extended to Mr Coon and authorization to discharge the duties of commercial agent until the

final resolution of His Majesty shall be received.

The Secretary states that it has been impossible to obtain such information respecting Mr Coon as is required by the Consular Regulations: this is due to the fact that Mr Coon has never resided in the Island nor in any of the dominions of Spain: the information, he states, has been solicited from the Ministers of Spain at Washington.

I have the honor to be, Sir,
very respectfully
Your Obedient Servant
Henry C Hall
Comm General

Inclosure
1.- The Secretary General to Mr. Hall. November 13th 1878.

Inclosure No 1.
With Dispatch No 751.
Havana, Nov 15th 1878.
Translation.

General Government
of the Island of Cuba
Secretary's Office
Political Bureau

Notwithstanding not having been able to ascertain in a concrete manner the circum-stances and antecedents of Mr Datus E. Coon, appointed by the Government of your nation to discharge the duties of a Commercial Agency at the port of Baracoa, which data is of absolute necessity because so required by the Consular Regulations for admission by the Government General of this Island, H.E. the Governor General taking into account that the delay might be prejudicial

to

the interests of the natives of a country who may need services of the agent in that place, has been pleased to admit the said gentleman to the use and exercise of his functions as simple Commercial Agent although conditional with the information which under this date are solicited of the Minister of Spain in Washington, and of what H M the King, Alfonso XII, may in due course be pleased to resolve.

Which by order of H.E. I have the honor of communicating to you, reiterating the assurances of my respect and distinguished consideration

× × × × × ×

Habana 13th November 1878

R Gabbis

To the Consul General of the United States

Copia

A pesar de no haberse podido conocer de una manera concreta, las circunstancias y antecedentes de Mr Datus E. Coon nombrado por el Gobierno de su Nacion para el desempeño de una Agencia Comercial en el puerto de Baracoa, cuyos datos son de imprescindible necesidad por determinado así el Reglamento Consular á los efectos de admision por el Gobierno Gral de esta Isla; el Exmo Señor Gobernador General teniendo en cuenta que de demorarse podriase con ello perjudicar en sus intereses á los naturales de un pais que necesiten de los servicios de aquel en dicho punto, ha tenido á bien admitir á dicho Sor al uso y ejercicio de sus funciones como simple Agente

Comercial si bien a reserva de
los informes que con esta fecha
se piden al Ministro de
España en Washington, y
en definitiva de lo que en su
dia se digne resolver S.M.
el Rey (q.D.g.) D.n Alfonso XII

Lo que de órden de
S.E. tengo la honra de comu-
=nicar á V.S. á sus efectos
reiterandole las seguridades
de mi respeto y distinguida
consideracion.

Dios gue á V.S. m.s a.s
Habana, 13 Nov.bre 1878.
R Galbis

Señor Cónsul General de los
Estados Unidos.

Judge O'Connor
+
Mr Clements

Ackgd. Dec. 4

Open by Examiner

DEPARTMENT OF STATE
NOV 29 1878
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No. 752 bis. U.S. Consulate General

Havana, Nov.r 20th 1878.

Mr Hall, to the

Department of State.

Case of Mr Manuel José de Rojas.

Acknowledging the receipt of Instructions Nos 477 and 478 of the 5th and 7th instant- the latter, accompanying a copy of the note of the Spanish Chargé d'affaires of 28th ultimo in relation to the above case.

N°752. — U.S. Consulate General

Habana, Novr 20th 1868.

Hon J.W. Seward

Assistant Secretary of State.

Washington.

Sir:

Referring to my dispatch N° 749, I have now to acknowledge the receipt of your instruction N° 748 of the 7th instant, accompanying a copy of the note of the Spanish Chargé d'Affaires in reply to that of the Department of the 2/3^d ultimo all in relation to the unrestored property of Mr Manuel José de Rojas.

Mr Rojas' agent

returned from Remedios
a few days ago and has
reported to me that he has
received all the properties
claimed except the sugar
plantation San Rafael.-

I shall be very glad
to carry out the Department's
instruction to facilitate, should
opportunities offer and in
every proper way, the favor-
-able conclusion of the Governor
General, upon whose action
solely depends the restoration
of the remainder of Mr.
Rojas property. He has
only to give his orders and
to see that they are carried
out.

As.

As I stated in my dispatch No 749, I was informed by the Secretary General that the Department's note of the 23d ultimo had been received and would be replied to through their Legation in the United States: this reply is also promised in the note of the Chargé d'Affaires of the 28th ultimo. It appears to me, therefore, that until I am advised by the Department, of the receipt of the reply of the Governor General, I am not called upon to take any initiative action in the matter, and then only on

the Department's special instruction, either to protest against the unwarranted delay of these authorities in restoring the plantation "San Rafael," or to ask them to state in categorical terms whether it is or is not their intention to surrender it. I respectfully suggest this course in view of the fact that the question was removed to Washington in June last, ostensibly, because they did not choose to recog-nize my competency to intervene in behalf of the claimant even when acting by the Department's special instructions.

instructions, but really, if one may judge by the result, to gain time and to postpone the restoration of the plant= =ation long enough for the lessees to take off the coming crops: the competency of this Consulate General to intervene in such matters, under the Department's instruction, has not been disputed during the past nine years: the raising of the question in this case was in my judgment a mere matter of convenience.

Although it may not be a matter of any consequence, in the present state of this claim,

I beg leave to call your
attention to the following
statement in Mr Brunetti's
note. —

"In effect, this is not a question,
"as is said in the note of the
"23 instant, of "obedience or
"disobedience" of a subordinate
"to a Supreme Government.
"The Governor General of Cuba
"is invested by the laws of the
"Kingdom with power of
"suspending, when he may
"deem it opportune, the effect
"of orders proceeding from
"the Government of Madrid;
"but in no case can he alter
"conditions born of orders
"dictated by a Court of Justice."

The

The laws or rather
the law referred to, is the
Royal Decree of 1825, by
virtue of which the
Superior Political authority
of Cuba is empowered to
suspend the laws, decrees,
orders &c of the Supreme
Government. The powers
granted by the said Royal
Decree were suspended
by the Republican
Government of Spain on
the 15th October 1873 and
restored in January 1874
by the Provisional Government
of General Serrano. In
the interval - the 7th November
1873 - the telegraphic order

to restore Mr Rojas' property was received by the then Governor General of Cuba, at a time when he had been divested of all discretional power or authority in the matter.

Since writing the foregoing I have received a private note from the Director General of Finance and I append a copy and translation of it: he merely states that the resolution, of his Department, in regard to Mr Rojas' plantation, is depending a consultory letter upon the subject addressed to the General Government on

the 26th June ult°. – I learn from another source that the question is now before the Administrative Council (Consejo de Administracion)

I have the honor to be, Sir,

very respectfully

Your Obedient Servant

Henry C Hall

Consul General.

Translation.

General Direction of Finance &c. &c.

Harana November 23d 1878.

My dear Sir:

No resolution has yet taken place in regard to the plantation of Mr. Manuel José de Rojas, of which you spoke to me some days ago, as it is depending a consultory

letter, upon the subject, addressed to the General Gorernment on the 26th of June ultimo.

I remain. &c &c &c

Mariano Cancio Villa-amil

Copy.

Direccion General de Hacienda de la Isla de Cuba. - Particular.

Habana Noviembre 23, 1878

Señor Cónsul General de los Estados Unidos.

Muy Señor mio: Aun no ha podido tener lugar la devolucion del injenio á D. Manuel José de Rojas, de que V. me habló hace dias por estar pendiente una consulta que sobre el asunto se dirijió al Gobierno General en 26 del mes de Junio último.

Se repite de V. ato y S.S. QBSM.

Mariano Cancio Villa-amil

Judge O'Connor
&
Mr Clements

Mr Cramer
per
Mr Almini

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No 753

U. S. Consulate General

Havana, November 25th 1878.

Mr Hall to the

Department of State.

Case of Santiago Romero y Casanova.

Accompanying a copy and translation of a letter in which Romero states that he has remitted a certified copy of his sentence to the Supreme Tribunal of Madrid.

One inclosure

N°753 U.S. Consulate General

Havana, November 25th 1868.

Hon F.W. Seward

Assistant Secretary of State.

Washington.

Sir:

With reference to your instruction N°475 of the 17th October, and to my despatches Nos: 745 and 746 of the 26th and 30th of the same month I now enclose herewith a copy and translation of a letter dated 24th instant from Romero in which he requests me to inform the Department that he has received a certified copy of his sentence and has sent the same to the Supreme Tribunal of Madrid.

I have the honor to be,

Sir, very respectfully,-

Your Obedient Servant

Henry C. Hall

Consul General.

Inclosure

Nº 1.- Santiago Romero to

Mr Hall Novr 24th 1878.

Inclosure N°1.

With Dispatch N°753

Havana, November 25th 1878.

Translation Havana Nov. 24th 1878.

To the Consul General of the United States:

Sir:

I request of you to have the goodness to inform the Department of State, or whom it may concern, that on this date the certified copy of my sentence, which I solicited on the 21st Septe-=mber last past to be sent to the Supreme Tribunal of Madrid, has been delivered to me, and that I remit it

under this same date and
at the same time call the
attention of the Tribunal
in regard to the delay.

I am Sir.

Your Obedient Servant

Santiago Romero

Copy

Real Cárcel de la Habana.

Noviembre. 24 de 1878.

Sor Consul General de los
Estados Unidos de America.
Sõr:

Espero de Vd tenga la
bondad de participar al
Departamento de Estado ó
á quien corresponda como
en esta fecha me ha sido
entregada la copia certifi-
-cada de mi sentencia que
pedi el dia 21 de Septiembre
ppdo: para remitir al
Tribunal Supremo de Madrid,
la que remito con esta
misma fecha y llamo
al mismo tiempo la atencion

del Tribunal sobre la demora.

Soy Sōr,

su Obediente Servidor

Santiago Romero.

Mr Wood

No 754. ackgd. Dec. 13



U.S. Consulate General
Havana Nov 27 1878

Mr Hall to the
Department of State.

Transmitting accounts for extra clerk hire and miscellaneous expenses, paid during 3d quarter of 1878.

No 754.

U.S. Consulate General
Havana Nov 27 1878

Hon: W. W. Seward
Assistant Secretary of State
Washington D.C.

Sir:

I transmit herewith the following accounts for extra clerk hire and miscellaneous expenses at this consulate, during the quarter ended Sept 30 1878:

Inclosure No 1: Account for extra clerk hire, paid L.W. Schmidt: $375-
" " 2: account for do do paid José Calvo: " 90-
" " 3. account for miscellaneous expenses: viz:

Rent	$	300-
Stationery & Printing	"	44.
Postage &c	"	111.45
Boat Hire	"	74.75
Carry over	$	530.20 $465-

$530.20 / 465

Subs: to Havana newspapers "
" Com: Reports } " 132.25.
Telegrams " 61.85. " 724.3

$1.1893

The above amounts have been debited to the U.S. in my account current for Salary & Fees for 3rd quarter of 1878, and I trust will be found in order.

I have the honor to be, Sir,

Very respectfully

Your Obedient Servant

Henry C. Hall

Consul General

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W. O'Connor
& Clements

No 755 U.S. Consulate General

Havana, Nov 27th 1878.

Mr Hall to the

Department of State

Accompanying copies of a letter from the Consul of the United States at Liverpool and of the affidavit of the master of the Schooner "B. F. Lovell" of Portland relating to the seaman Henry C. Webb alleged to have been illegally discharged from that vessel.

No 755. U.S. Consulate General

Havana, November 27th 1878.

Hon J. W. Seward

Assistant Secretary of State

Washington

Sir.

I have the honor to transmit herewith a copy of a letter, dated the 25th September ultimo, from the Consul of the United States at Liverpool, reporting the case of the seaman Henry C. Webb who, it is alleged, left the schooner "B. F. Lovell" of Portland at that port in collusion with the master and in contravention of the laws in regard to seamen.

Upon arrival of the vessel at this port, I interrogated the master in regard to the matter: he denied the allegations

1/2

of the Consul and in his affidavit asserts that the seaman deserted the vessel, after clearance, without his knowledge and being also in debt to the vessel.

The vessel cleared hence on the 23d instant for New York. and the papers are transmitted herewith to serve in the event the Department should be disposed to order an investigation of the case upon her arrival at that port, which may be in the course of ten to fifteen days.

I am Sir very respectfully

Your Obedient Servant.

Henry C Hall
Comm'l General

Enclosures
1- Mr Packard to Mr Hall Sept 25. 1878.
2- Affidavit of Harry Lunt master of the Schr. B. F. Lowell Nov 4th 1878.

Inclosure No 1
With Dispatch No. 755
Harana - November 23rd 1878
Copy.

U.S. Consulate.
Tower Building W. Water St.
Liverpool Sept 25th 1878

Henry C. Hall
U.S. Consul General
Harana

Sir,

On the 20th instant a man named Henry C. Webb, applied for relief & transportation to the United States, as a destitute Seaman, which were furnished to him. From the statement of this man, it appears that he joined the schooner "B.F. Lowell" in Portland Me; and that shortly after her arrival here the Master disrated him to a Seaman

, which duty he performed for about a week prior to her departure hence. On the 9th instant the Captain sent him to a shipping agent, who gave him the balance of his wages due, in the form of an advance note, which was cashed by a person to whom he was directed by the agent, and subsequently paid by the latter. With this payment Webb left the vessel, and made no report of the case until the day he applied for relief - ten days after the vessel had sailed for your port.

On examining the Agent upon the Subject, I elicited from him that the man's statement was substancially correct and believing as I do that by the

consent and connivance of
the Master, he (Webb) was
induced to abandon the
vessel, in direct contravention
of Section 6, of the circular
issued to Masters on arrival
here which provides that.
"If payment is made to
any Seaman in excess of
the wages then due to him
such excess will be liable
to be held as having been
said to induce the seamen
receiving the same to desert.
And should such seaman
subsequently desert from
his vessel in this port he
may be discharged by the
Consul and three months
Extra Wages exacted therefor.
I feel warranted in
demanding from the Master
three months extra wages
for Webb. I shall therefore
feel obliged if you will

kindly request the Master
to pay to you such extra
wages, and remit the same
to me, and in case of his
non compliance to inform
me as to what port he is
bound to from Harana, as
in that case I shall send
a statement of the case to
the Department, with a
view to prevent the cancel-
lation of his bond for the return
of his men, and that his
vessel may be held to pay
the extra wages in question.

I am Sir.

Your Obedient Servant

(Signed) S. B Packard

U. S. Consul.

Inclosure No. 2
With Dispatch No. 755
Havana November 27th 1878.
Copy-

Consulate General of the
United States of America
at Havana Cuba.

On this 4th day
of November A.D. 1878, before
me, the undersigned,
Consul General of the United
States of America at Havana,
Island of Cuba, personally
appeared Mr John Henry
Lunt, master of the Schr.
"B.F. Lowell" of Portland,
Me of the registered burden
of 325 31/100 tons, and being
by me duly sworn did
depose and state as follows:
that he sailed from Port-
=land Me bound to Liverpool,
England, on or about the
7th day of August last past:

that among his crew, shipped at Portland, was one Harry C. Webb, who represented himself to be a cook and steward: that two days out from Portland, this appearer discovered that, aside from his filthiness the said Webb was not a cook and could not perform duty as such, and that throughout the voyage of twenty one days, this appearer was obliged to send his first or second officer into the galley to prepare the meals; that upon arrival at Liverpool, this appearer shipped another cook and put the said Webb before the mast; that after thus divrating him, the said Webb left the ship and was away three days, but afterwards returned and did perform duty as a seaman, before the mast,

upto the 9th September last
past, the day upon which
this appearer cleared his
vessel for this port; that
this appearer after clearing
went back to his vessel and
there had supper, and having
some friends to visit, he
again went ashore at about
seven P.M. leaving all his
crew including Webb. on
board; and this appearer
further declares that he
returned to his vessel at about
ten P.M. but was not
informed nor did he enquire
whether all the crew were
or were not on board, he
having full confidence in
the men and did not believe
that any would desert;
that it was not until the morn-
ing of the 10th September, when
preparing to leave in tow
of a tug, that he missed

Webb for the first time:

This appearer further swears and declares that he did not send Webb to a shipping agent; that he paid him no balance of wages in any form whatever, and that any statement of the said Webb or the agent to that effect are false.

This appearer further declares that the account of the said Webb, with the Schr: "B. F. Lovell, is as follows:

Wages from Aug 25, to Sept 9th inclusive at #25. a month		#30.83.
Advance in Portland	#15.—	
Postage " "	.10	
1 lb tobacco (at sea) "	1.	
1 pair pants " "	2.	
Cash in Liverpool (aug 29).	3.50	
Hospital fees "	.50	
Bal: due Mr Webb "	8.73	
	#30.83	#30.83

This

This appearer further
declares that he will not
pay any extra wages on
account of the said Webb,
whom he maintains did
desert the vessel without
collusion with himself or
his officers.

And further this
appearer saith not.

(Signed) John M Lunt.

Before me
(Signed) Henry C Hall
U.S. Consul General.

Ask for some
extra copies to
Refer to

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13 Dec

Mr Wood

No 2756

U.S. Consulate General
Havana, Novr 27th 1878.

Mr Hall to the
Department of State.

Official estimate of the revenues and expenses of the Government of Cuba from 1st November 1878 to 30th June 1880.

Transmitting a report of the Director General of Finance and a Decree of the Governor General in regard to the payment of revenues in gold and proposed reductions in taxes and export duties.

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2 Inclosures.

No 756- U.S. Consulate General.
Havana, November 21st 1878.

Hon F.W. Seward
Assistant Secretary of State.
Washington.

Sir:

I have the honor to transmit, herewith, the report of the Director General of finance accompanying the estimates of the revenues and expenses of the Government of this Island from November 1st 1878 to the 30th June 1880. and the Decree of the Governor General based upon its suggestions. 1/2

From this report it appears, that the average annual expenditures of the local Government of Cuba, from 1861 to 1869, embracing a period of nine years, were in round numbers 27 millions dollars. The expenditures during the nine years

following, 1870 to 1878 were 60 millions dollars a year. - The expenses for the economic year of 1879-80 are estimated at 45,423,509- dollars in gold and $22,400,607- in Spanish Bank notes, worth the half of that sum in gold; the latter representing the revenues derived, principally, from lotteries, which is to be applied to the expenses of that department and to the payment of the interest. Of the 45,423,509 dollars in gold, 24,673,408 are assigned to the War Department. I beg to call the Department's attention to these figures and to the vast disproportion between the cost of governing this Island, with a population of less than a million and a half and the annual expenditures of the Government of the United States, during the decade of 1841-50 - with their then twenty millions and upwards of population.

The

The Decree of the Governor General directs, among other measures, that after the 1st of January 1879 - the notes of the Spanish Bank shall not be admitted in payment of taxes, imposts or other revenues, except those relating to lotteries.

The present direct tax of 30 per cent is to be reduced to 25 percent and although more than the half of the revenues, not including the lotteries, are destined to war-purposes, it is to be styled an ordinary and not an extraordinary tax as heretofore: this change of name leads to the belief that it is the intention of the Government to collect the tax of foreigners who now pay @ 2½ per cent of which one sixth can be paid in Spanish Bank paper, at its nominal value, while really worth fifty per cent less than gold.

The export duties on

the products of the Island, of which eighty five per cent at least are shipped to the United States, are to be reduced ten per cent; this is a concession to planters, who imagine that the value of their sugars will be enhanced proportionally with every reduction in the export duties here and in the import duties in the United States.

This Decree falls vastly short of what was expected of the Governor General and the new Director General of Finance: much greater reductions in the direct tax had been looked for, while planters and merchants are unanimous in demanding that the export duties shall be entirely abolished. So strong and decided have been the manifestations against the estimates that, it is so stated, their discussion by the press has been prohibited; there is a general belief, however, that

the Decree will undergo some modification before any attempt is made to enforce it.

The newspaper, "El Triunfo" of the 23d instant — contains a report of the discussion at a meeting, held in the Palace on the 22nd, of some twenty five persons called together by the Governor General with the object of ascertaining the drift of public opinion in regard to the measures referred to. The Association of Planters, through their representatives, presented a memorial asking for the abolition of the export duties upon sugars and for greater reductions in the direct 30 per cent tax. The general opinion expressed, at the meeting was that the estimated expenditures are excessive, in view of the fact that peace is assured, and greater than the Island, in its present impoverished condition, can support. The —

Governor General assumed the responsibility of the estimates and explained the imperative necessity of keeping up an army, indispensable to meet every kind of eventualities and principally to preserve tranquility and order in the midst of the perturbations which follow the termination of all wars.

I am Sir, very respectfully,
Your Obedient Servant.

Henry C. Hall
Consul General

Inclosures
1 & 2 - Copy and translation of the Financial estimates of the Government of Cuba. for 1879, 80 - from the "Diario of 14th November 1878.

Inclosure Nº 1.
With dispatch Nº 756.
Havana November 27th 1878.
Translation.

Official estimates of the revenues and expenses of the Government of Cuba for the economic year of 1879/80.

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from the "Diario de la Marina" of 14th November 1878.

Government General - Treasury -

Excellency:

The estimates which are always an element of order and method for the Treasury, today, more than ever, must be considered necessary to know the obligations which after the war, the country has to sustain, to establish the resources with which it has to meet them

and to limit administrative action to the inflexible law of accountability. This system, useful in prosperous and easy times, is in every way indispensable when, after the disorders consequent to an abnormal period, revenues fall short, while the expenditures remain unaltered.

For these reasons this Intendency in compliance with the instructions of His Majesty's Government hastened to collect the partial data for the general estimate of the Island which I now present for the temporary approval of Y.E. — These data have restrained, as could not be otherwise, the action of this Department, which cannot fix, hastily, the amount of the obligations for which, within an exact

equalization, the revenues may
be reduced to the extent which
contributors desire, solicit
and even demand. And it
is because events superior
and immutable vigorously
oppose our inclination, c
subjecting it in such a way
as not to permit free action,
and only submission to c
their laws.

Nor could it be otherwise; when material order is altered in society it is because its moral order has been previously disturbed; and when material order is restored, the moral order remains agitated and uncertain for some time; a transitory stage, conducive to repose, follows every violent moral shock and between material peace and peace of the mind exists that

transit which we are now passing through in order to reach true peace, which is peace consolidated by ideas and reforms.

Thus the Island, tranquil from 1860 to 1869, had in those nine years in round numbers an estimate of maximum expenses of 31 millions of dollars and a minimum of 25 millions. the average being 27 millions.

From 1870 to 1878, an equal period of time, the estimate represents an average of 41 millions, the extraordinary resources 15 millions: the debt pending payment, for obligations of the estimate, 4 millions: making a total average expenditure of 60 millions, so that the average expenses of the war may be put down at 33 millions a year.

It

It is to be noticed that these expenses were during the first years of the war less than the sum last mentioned; subsequently and in the latter years they greatly exceeded the estimated average. The expenses of the estimate for 1879-80 amount to $5.423,506- gold and $2,400.60 in paper corresponding to lotteries and interests - and compared with the estimates of 1864/65, which is the lowest in the last eighteen years, shows the following differences.

	1864-65	1879-80	Increase	Decrease
1 General obligations gold	954,248	10,531,926	9,577,678	------
Do Do paper	----	1,740,000	1,740,000	-------
2. Justice.....	951,829	948110	---	3,719
3. War.....	8,172,871	24,673,408	16,500,537	-------
4 Treasury ..... Lotteries	1,421,010	1,489,610	68,600	-------
5. Marina....	3,870,223	3,895,433	25,210	-------
6. Government,	2,486,725	2,772,986	286,261	
7. Fomento....	651,337	966,910	315,573	-------
8 State.....	63,700	63,700	.....	.....
9 Fernando Po	289,478	81,420	.....	208,058
	.....			

As is to be seen the civil services have not seriously changed: we are where we were: the country has not been burdened by increased expenses nor has it been benefitted by an improved service: in exchange, other obligations have been considerably increased, an increase which, as we have said, shows that even after wars terminate they leave for much time their sad consequences in the economic system.

It is possible, under such circumstances to conciliate the necessity, so generally felt by the country, of reducing the taxes with the duty weighing upon it to meet its obligations, if undertaken gradually and with prudence: but impossible if pretended to return to the figures of the estimate of 1864,65 as if, in the interval, nothing

had occurred to alter the conditions of the Treasury.

In the ratio that this community acquires repose, the war estimate can be reduced: in the ratio that the administration becomes more perfect the revenues will go on increasing: in the ratio that confidence becomes reestablished, can modifications of contracts be discussed with the view of a slower amortization of the debt; and these three bases will decide the limitation of the taxes. In the meantime we have to admit facts which forcibly oblige us to recognize the unalterable figures of the debt and of the war. That is to say, that we enter upon a transitory period, between war and peace, during which, and as soon as possible, we may arrive at a true

equilibrium between obligations and revenues and to limit them to the tributary ability of the country.

It has been shown that the estimate of expenses is, today, what it was in the most favorable year of the eighteen which have transpired since 1860, except for the departments of war and debt, that the effects of public per-turbation outlive, in the econo-mic order, the same perturba-tions and that to reach the normal equilibrium between expenses and revenues a period of time, which has already commenced, is required, within which to limit obligations and alliviate exactions: we will now treat of the revenues.

The revenues, as it could not be otherwise, have followed the course of

expenditure

expenditures, first by increase of imposts and, secondly, by appeals to credit and, these not being sufficient to cover all the obligations, by leaving a part of the obligations unpaid, constituting, together with the arrears and loans, the public debt which did not exist in 1860.

We have compared the estimate of expenses of 1864-65 with that which is proposed for 1879-80; we now make the comparison of revenues as follows:

	1864-65	1879-80	Increase	Decrease
Taxes and imposts	4,804,827	19,238,400	14,433,573	------
Customs	12,661,412	22,641,801	9,979,889	------
Excise	1,204,353	3,775,405	2,571,052	------
Lotteries	.....	.....	.....	.....
Public lands	2,321,605	244,480	.....	2,077,125
Miscellaneous	530,340	520,927	.....	9,413

The increase which appears above in taxes and customs duties in favor of 1879-80 represents

the sacrifices which the country has had to impose upon itself in order to make peace a possibility. The new resources in the estimates were created during the latter part of 1872 & first part of 1873, by consent of the country itself, (?), consulted through committees of planters and merchants, and it results, that from — $30,460,124 — which was the amount of the estimates of 1864 to 65, to — $58,586,157 — which were collected for 1874-75 — there was an increase of — $28,126,033. or the equivalent of more than one half more of the estimate of 1864-65. True it is that, subsequently to those dates, a part of the recourses were included in the 30% tax; but the results did not correspond to the intention of these reforms, because, instead of increasing,

the total amount collected was diminished $5.374.174- whilst the collection of 1877-78 has amounted to $53,211,983. We see, therefore, that the estimates of expenses for 1879-80 amount to $45,423.506 and of revenue to $49,802,334 whereby they are equalized, without fear that the expenses shall increase; rather to the contrary, whilst these may be decreased, provided public tranquility be consolidated, the receipts should be kept up until the administration is organized.

But are the receipts, such as they are now kept up, supportable, or not, by the productive forces of the country? This is the immense difficulty which it is necessary to resolve, because public opinion is unanimous in

in affirming that the country
cannot any longer continue
to be burdened by the present
rates of taxation, basing its
opinion on the fact that the
two chief products of its'
wealth are passing through
a painful crisis, as much
by the shortness of their
crops, as by the low prices,
which do not cover as formerly
the heavy expenses which
said products must bear
before reaching the consumer.

But the fact is, that
whilst this occurs, the estimated
figures are unalterable, and
it is necessary to conciliate
interests so opposite. This would
be possible, nevertheless, if we
could as easily reach the
serious and meditated reform
in the revenue, as we do the
formation of the estimates;
but whilst it is under study

and

and has been postponed for a longer ~~or~~ shorter time the interests of the State and of the taxpayer can only be conciliated gradually and slowly, each conceding some=thing of what is required by the other. The taxpayer has therefore to give up the idea, for some time yet, of any diminution in the taxes latterly created, whilst there still exists in the expenses the need which produced them.

But notwithstanding this, some slight relief in the taxes can be conceded, without prejudice to the reforms which will some day be carried out, thanks to the study which, with laudable zeal, the duly appointed committees are engaged in, of this delicate subject, and this relief can be obtained in favor of the contributor

keeping up the estimated figures of the revenue whenever the Administration can assist therein, only by employing more activity in its labors, method in the proceedings and vigilance in its operations. And as the attainment of all this depends upon the decided will of the Government, this is why there is no objection in stating that the estimated revenue must have due effect, notwithstanding the reduction indicated. On the other hand, peace tends better than war to order in the administration and order is an element so important for the Treasury that it may be considered as its most powerful auxiliary in making effective the amount estimated.

This necessity of order aids us also to explain why

the form is adopted, although
new yet necessary, of making
an estimate for the eight
months of the current fiscal
year, at the same time, as for
the following one of 1879-80.

The irregularity with
which the estimates have been
made in this Island since
1869 to the present time, the
alterations which they have
suffered in these four or more
years of operation, the giving
out in some cases of the appro
=priations assigned, and
opening in others, supplementary
and extraordinary credits, —
making impossible a clear
intelligence of them, and their
audit difficult, all this would
be more than reason enough
to recur to a similar method,
if it were not, at the same
time, counselled by the necessity
of establishing the peace estimates

without waiting for the termi-
-nation of the present economic
year, in which the estimates
of 1874-75, or war estimates,
are still in force. And this
procedure is still further
required because it is an
integral part of the mass of
resolutions which are dictated
to create the new economic order,
which events and reforms in
politics make still more
indispensable.

And not the least
so that the collection of taxes
and public revenue in gold and
paper should cease. This form
of payment, imposed by cir-
cumstances, has been the cause
of constant irregularities in the
Administration which it is time
to avoid: the decreasing deprecia-
-tion of paper money, the
amount of said paper, which by
the contract latterly entered into

with

with the Spanish Bank, must be cancelled, the plan of withdrawing the fractional currency from circulation; the annual amortization of the remainder; all, in short, indicates that the lottery revenue will be sufficient to keep up its circulation.

Finally, no one is ignorant that the movement of the Treasury is frequently thrown out of level, because expenses of immediate payment are sometimes superior to the receipts realized at the same time. For this reason, it is a practise, constantly and generally admitted, to authorize the Treasury to raise funds with which to attend to said requirements, and the sums which it acquires for this cause, constitute its floating debt.

True it is that this

kind of debt should be reduced in the Treasury of the Island, but it cannot be absolutely dispensed with, nor can the necessary authorization be refused it, that it may legally on any occasion and moment attend to peremptory obligations, by making use of a means which is used by the Treasury in all countries.-

In virtue of all that has herein been set forth, I have the honor to submit to Your Excellency the following project of a resolution.

Article 1st.

The expenses of the Island of Cuba for the remaining eight months of the current economic year which begins on November 1st of this year and terminates on 30th June

1879, shall be fixed at
#14,933,738-/paper, and
#30,293,879.- gold.—

The expenses of the fiscal year for 1879/80 - shall be fixed at #22,400,607-/paper and #45,423,506 coin - distribu=ted in both by sections in the form set forth in the accomp=anying table A.

Article 2

The revenues during the same period shall be fixed at #13,773,738-/paper - and #33,632,571- coin, - for the eight months and #9,714,23,350 paper and #49,[illegible]334 gold for the 12th months. under the head set forth in the annexed table B.

Article 3

From January 1st - 1879. the direct tax of 30 per cent

upon the nett profits of urban city and ~~cassatary~~ rural property, industry, commerce and professions shall be reduced to 25 per cent.

Article 4.

From the same date, the export duties at present collected, shall be reduced 10 per cent.

Article 5th.

All the taxes, ordinary as well as extraordinary shall have the character of ordinary without any further alterations than those indicated in the preceding articles.

Article 6th.

From the 1st of Jany. next, the bank note shall cease to be received in payment of all taxes and public revenues.

Except

Except the Lottery revenue, which shall continue to be collected and paid out in said papers at its nomi=
=nal value.

Article 7th.

To attend to the deficit in the Treasury resulting between the maturity of obligations and the receipts of revenue, the Treasury is authorized to contract a floating debt to the amount of 3 millions, during each economic year, within which it shall be cancelled.

Article 8th.

The Governor General of the Island is hereby author=
=ized to make, during the terms of both estimates, such economies as he shall consider realizable without prejudice to the public

service.

Harana, October 28. 1878
Mariano Cancio Villaamil

Decree.

In view of the reasons set forth by the Director General of Finance, I have decreed that, temporarily and reserving what may be decreed by the Government of His Majesty, that from the 1st of November next the estimates of expenses and revenue shall be in force in accordance with the prescriptions, as therein duly articled.

Harana, October 28, 1878.
Arsenio Martinez de Campos.

Inclosure N°2 -

With Dispatch N°. 756 -

Havana, Novr 21st 1878 -

From the "Diario de la Marina"

of 14th November 1878.

DE OFICIO

Gobierno General.

Hacienda.

Excmo. Sr.:

Los presupuestos, que siempre son un elemento de órden y de método para la Hacienda, hoy más que nunca deben considerarse necesarios en la Isla para conocer las obligaciones que, despues de la guerra, ha de cubrir el país, fijar los recursos con que ha de satisfacerlas y limitar la accion administrativa dentro de los inflexibles preceptos de la ley de contabilidad. Este órden, muy conveniente en períodos prósperos y desahogados, se hace de todo punto indispensable cuando, despues de los desórdenes propios de toda situacion irregular, los recursos escasean, al paso que las atenciones indeclinablemente se conservan.

Por lo mismo, esta Intendencia, cumpliendo las instrucciones del Gobierno de S. M., se apresuró á reunir los presupuestos parciales que habian de servir de base al general de la Isla que hoy presento á la aprobacion interina de V. E. Ellos han cohibido, como no podia ménos de suceder, la accion de este Centro, que no puede caprichosamente fijar las cifras de las obligaciones para que, dentro de una nivelacion exacta, se rebajen las de los ingresos en la medida que los contribuyentes desean, solicitan y hasta reclaman. Y es que los sucesos superiores é inmutables se imponen rigorosamente á nuestra voluntad, subyugándola de manera que no le sea permitido obrar libremente, sino sujeta á sus leyes.

Ni puedo ser de otra suerte; cuando el órden material se altera en una sociedad, es que préviamente el órden moral se ha perturbado; y cuando el órden material se restablece, queda el moral agitado é incierto por algun tiempo. Síguese á todo choque violento del espíritu, un estado transitorio que lo conduce de nuevo al reposo, y entre la paz material y la paz del espíritu existe ese tránsito que en estos momentos recorremos para llegar á la verdadera paz, que es la que se consolida por las ideas y por las reformas.

La Isla, pues, tranquila desde 1860 á 1869, tuvo en estos nueve años y en números redondos, un presupuesto de gastos máximo de 31 millones de pesos y uno mínimo de 25 millones, siendo el término medio de 27 millones.

Desde 1870 á 1878, período igual de tiempo, el presupuesto representa, por término medio, 41 millones; los recursos extraordinarios 15 millones; la deuda pendiente de pago por obligaciones de presupuesto 4 millones, que hacen un gasto medio anual de 60 millones, de modo que los gastos de la guerra pueden fijarse, por término medio, en 33 millones de pesos al año. Hay que advertir que estos gastos que en los primeros años de la guerra eran inferiores á la suma que se acaba de indicar, posteriormente y en los últimos años escedian en mucho al promedio calculado. Los gastos del presupuesto para 1879 80, ascienden á 45.423,506 en oro y 22.400,607 en billetes, que corresponden á Loterías ó intereses; y comparados con el presupuesto de 1864-65, que es el más bajo en estos últimos diez y ocho años, resultan las diferencias siguientes:

		1864-65.	1879-80.	DIFERENCIAS. De más.	DIFERENCIAS. De ménos.
1º	Obligns. gries. oro.	954,248	10.531,926	9.577,678	.....
	Id. billet.	.....	1.740,000	1.740,000	.....
2º	Gracia y Justicia	951,829	948,110	.....	3 719
3º	Guerra...	8.172 871	24.673.408	16.500,537	.....
4º	Hacienda.	1 421 010	1.489 610	68,600	.....
	Loterías.	.....	.....	.....	.....
5º	Marina...	3.870 223	3.895,433	25 210	.....
6º	Gobecion	2 48 ,795	2.772,986	286 251	.....
7º	Fomento.	65 ,337	9 6,9	3 5 7	.....
8º	Estado..	.....	63,700	63,700	.....
9º	Fdo. Póo.	289,478	81,420	.....	208,058

Como se vé, los servicios civiles no han tenido alteracion sensible: estamos como estábamos; ni se ha gravado el país aumentando los gastos, ni se le ha mejorado desarrollando los servicios; en cambio las demás obligaciones tienen un aumento considerable, aumento que, como dejamos dicho, demuestra que aun cuando las guerras terminan dejan por mucho tiempo sus tristes efectos en el órden económico.

Conciliar en tales circunstancias la necesidad, tan generalmente sentida por el país, de reducir los impuestos, con el deber que pesa sobre el mismo de cubrir las obligaciones, posible es, si con prudencia y gradualmente se aspira á ello; pero imposible, si se pretende volver de pronto á las cifras del presupuesto de 1864 65, como si en el trascurso de este tiempo nada hubiese acontecido que alterase las condiciones del Tesoro.

A medida que esta sociedad adquiera reposo, podrá el presupuesto de la guerra reducirse; á medida que la administracion se perfeccione, irán aumentando los ingresos;

á medida que la confianza se restablezca podrán gestionarse modificaciones en los contratos, que hagan más lenta la amortizacion de la deuda, y estas tres bases decidirán de la limitacion de los impuestos. Entretanto, tenemos que admitir los hechos que forzosamente nos obligan á reconocer cifras inalterables en la deuda y en la guerra. Es decir, que entramos en el período transitorio que media entre la guerra y la paz, para que dentro de él y tan brevemente como se pueda, lleguemos al verdadero equilibrio entre las obligaciones y los ingresos, limitándose éstos á las fuerzas tributarias del país.

Una vez demostrado que el presupuesto de gastos es hoy lo que era en el año más favorable, entre los diez y ocho que desde 1860 hasta el dia examinamos, salvo las secciones de deuda y guerra; que los efectos de los trastornos públicos sobreviven en el órden económico á los trastornos mismos; que para llegar al normal equilibrio entre los gastos y los ingresos, se requiere un plazo que es el que empezamos á recorrer, dentro del cual las obligaciones se limitan y las exacciones se alivian; pasemos al exámen de los ingresos.

Los ingresos, como no podia ménos de ser, han seguido el curso de los gastos; en primer lugar aumentando los impuestos y en segundo apelando al crédito, y aún no bastando esto para cubrir todas las obligaciones, dejando una parte de ellas en descubierto y constituyendo con los atrasos y con los préstamos la deuda pública que no existia en 1860.

Hemos comparado el presupuesto de gastos de 1864 á 65, con el que se propone para 1879 á 80; ahora lo hacemos con el de ingresos, que ofrece el resultado siguiente:

	1865.	1879-80.	DIFERENCIAS. De más.	DIFERENCIAS. De ménos
Contribuciones, impuestos.....	4.804.887	19.238.460	14.433.573	.....
Aduanas....	12.661.912	22 641.501	9.979 8 9	.....
Rentas estancadas	1.904.353	3.775.40	2.571.052	.....
Loterías....	.....	.....	.....	.....
Bienes del Estado.....	2.32[illegible]	244.430	.....	2.077.175
Ingresos eventuales ..	530.340	520.927	.....	9.413

El aumento que aparece en impuestos y aduanas á favor de 1879-80, representa los sacrificios que el pais ha tenido que imponerse para hacer posible la paz. Los nuevos recursos de presupuestos se crearon en los últimos meses de 1872 y primeros de 1873, de acuerdo con el mismo pais, consultado por medio de comisiones de hacendados y comerciantes, resultando que desde 30 millones 460,124 pesos á que ascendió el presupuesto de 1864 á 65 hasta 58 58[illegible],157 que se recaudaron en el ejercicio de 1874 75 hubo un aumento de 28.126,033, que equivale á una mitad más que el presupuesto de 1864 65. Cierto es que posteriormente á aquellas fechas algunos de los recursos se refundieron en la contribucion del 30 p.%, mas los resultados no correspondieron á los propósitos de estas reformas, porque en lugar de aumentar disminuyó la recaudacion total obtenida 5.374.174, en atencion á que la recaudacion de 1877-78 ha ascendido á 53 millones 211,983. Tenemos, pues, que el presupuesto de gastos de 1879-80 asciende á 45.428,506 y el de ingresos á 49.802,334, con lo cual se nivelan sin temor de que los gastos aumenten; ántes al contrario, miéntras estos podrán disminuir si la tranquilidad pública se consolida, los ingresos deberán sostenerse á poco que la Administracion se organice.

¿Pero los ingresos tal como se mantienen, son ó no son soportables para las fuerzas productoras del pais? He aquí la inmensa dificultad que es necesario resolver, porque la opinion es unánime en afirmar que el pais no puede continuar por más tiempo agoviado por los actuales tipos de tributacion, fundándose en que los dos principales productos de su riqueza atraviesan penosa crísis, tanto por la merma de las cosechas, cuanto por la baja de los precios, que no cubren como ántes los cuantiosos gastos que soporta el fruto hasta llegar al consumidor.

Pero es el caso que miéntras tal sucede, las cifras presupuestas son inalterables y hay que conciliar tan opuestos intereses.— Posible seria esto, sin embargo, si fuese dable llegar tan repentinamente á la reforma séria y meditada de las rentas, como se llega á la formacion del presupuesto: en estudio aquella y aplazada por más ó ménos tiempo, sólo pueden conciliarse gradual y lentamente el interés del Estado y el del contribuyente, concediendo el uno algo de lo que el otro necesita. El contribuyente tiene, pues, que renunciar por algun tiempo á la baja total de los impuestos últimamente creados, miéntras en los gastos existan vivas las necesidades que los produjeron.

Esto no obstante, podrá concederse un pequeño alivio en los impuestos, sin perjuicio de las reformas que en su dia se realicen, merced á los estudios que en tan delicado asunto están haciendo con laudable celo las comisiones nombradas al efecto, y podrá conseguirse este alivio en favor del contribuyente, manteniendo las cifras presupuestas en los ingresos, toda vez que la Administracion puede coadyuvar á ello, sin más que emplear actividad en los trabajos, método en los procedimientos y vigilancia en las operaciones. Y como el logro de todo esto depende de la decidida voluntad del Gobierno, he aquí por qué no hay inconveniente en afirmar que ha de tener cumplido efecto el ingreso presupuesto, á pesar de las bajas indicadas. Por otra parte, la paz se presta mejor que la guerra al órden de la Administracion, y el órden es un elemento tan importante para el Tesoro, que debe considerarse como el más poderoso auxiliar para hacer efectivas las sumas presupuestas.

Tambien esta necesidad del órden nos ayuda á explicar por qué se adopta la forma, aunque nueva necesaria, de hacer un presupuesto para los ocho meses del presente ejercicio, á la vez que para el siguiente de 1879 á 80.

La irregularidad con que se han planteado en esta Isla desde 1869 hasta aquí los presupuestos; las alteraciones que han sufrido en tres, cuatro y más años de ejercicio; el hallarse agotados los créditos señalados en unos casos, y abiertos en otros, créditos supletorios y extraordinarios, imposibilitando su buena inteligencia y dificultando la contabilidad, seria más que suficiente motivo para recurrir á semejante método, si no lo aconsejára á la par la necesidad de establecer el presupuesto de la paz sin esperar á la terminacion del presente ejercicio económico en que rige aún el presupuesto de 1874 75, ó sea el presupuesto de la guerra. Y se requiere tambien este proceder, porque es parte integrante del conjunto de resoluciones que se dictan para crear el nuevo órden económico, que los sucesos y las reformas en el político hacen además indispensable.

No lo es ménos el que cesen de cobrarse en oro y en billetes los impuestos y las rentas públicas. Esta forma de pago, impuesta por las circunstancias, ha sido causa de constantes irregularidades en la Administracion que ya es tiempo de evitar: la menor depre-

ciacion que los billetes van experimentando; la cantidad de dicho papel, que por el contrato últimamente celebrado con el Banco Español ha de amortizarse; el proyecto de retirar de la circulacion los fraccionarios; la amortizacion anual del resto; todo, en fin, indica que bastará á entretener su circulacion la renta de loterías

Por último, nadie ignora que el movimiento del Tesoro se desnivela con frecuencia, porque los gastos de inmediato pago, son en ocasiones superiores á los ingresos realizados en iguales momentos. Con tal motivo, es práctica constante y generalmente admitidada, autorizar al Tesoro para levantar fondos con que atender á dichas necesidades, y las cantidades que por esta causa adquiere, constituyen su deuda flotante.

Verdad es que esta especie de deuda debe ser reducida en el Tesoro de la Isla; pero no puede en absoluto prescindirse de ella, ni rehusarse la autorizacion precisa para que se pueda legalmente en toda ocasion y momento atender á obligaciones perentorias, empleando un medio de que dispone la Hacienda de todos los paises.

En virtud de cuanto se lleva expresto, el que suscribe tiene la honra de proponer á V. E. el siguiente proyecto de resolucion:

ARTICULO 1º

Los gastos de la Isla de Cuba para los ocho meses restantes del presente ejercicio económico que empiezan en 1º de noviembre de este año y terminan en 30 de junio de 1879, se fijan en 14.933,738 pesos, billetes, y 30.293,579 pesos en metálico.

Los gastos del ejército de 1879 á 80 se fijan en 22.400,607 pesos, billetes, y 45.423,506 metálico, distribuidos en ámbos por secciones, en la forma que determina el adjunto estado, letra A.

ARTICULO 2º

Los ingresos durante los mismos ejercicios se fijan en 13.773 738 pesos, billetes, y 33.632,571 pesos en metálico, para los echo meses y 27 423 350 pesos, billetes, y 49,802 334, oro, por los doce meses, por los conceptos que expresa el estado adjunto, letra B.

ARTICULO 3º

Desde 1º de enero de 1879, la contribucion directa del 30 p§ sobre las utilidades líquidas de la riqueza urbana, rústica, de industria, comercio y profesiones, quedará reducida al 25 p§.

ARTICULO 4º

Desde igual fecha se rebajarán en un 10 p§ los derechos de exportacion que en la actualidad se satisfacen.

ARTICULO 5º

Todos los impuestos, así ordinarios como extraordinarios, quedan subsistentes con el carácter de ordinarios, sin más alteraciones que las indicadas en los artículos anteriores.

ARTICULO 6º

Desde 1º de enero próximo cesa de admitirse en pago de los impuestos y rentas públicas el billete del Banco.

Exceptúase la renta de Loterías, que continuará cobrándose y pagándose en dicho papel, por todo su valor nominal.

ARTICULO 7º

Para atender al descubierto del Tesoro que resulta entre el vencimiento de las obligaciones y el ingreso de las rentas, se autoriza al mismo para contraer deuda flotante hasta la suma de tres millones de pesos, durante cada ejercicio, dentro del cual quedará amortizada.

ARTICULO 8º

Se autoriza al Gobernador General de la Isla, para hacer, durante el ejercicio de ámbos presupuestos, cuantas economías considere realizables, sin perjuicio de los servicios públicos.

Habana 28 de octubre de 1878

Mariano Cancio Villaamil.

DECRETO.

Atendiendo á las razones expuestas por el Director General de Hacienda, he dispuesto que interinamente, y á reserva de lo que acuerde el Gobierno de S. M., comience á regir en esta Isla desde 1º de noviembre próximo, el presupuesto de gastos á ingresos, al tenor de los preceptos que contiene el artículado del mismo.

Habana y octubre 28 de 1878.

Arsenio Martinez de Campos.

This dis'ch'd by instructions
of 11 Dec. file Memento &c
+ Mr O'Connor

DEPARTMENT OF ST
DEC
14
1878
RECEIVED

No 757. U.S. Consulate General
Havana, Dec 5th 1878.

Mr Hall to the
Department of State.

Case of Manuel José de Rojas.

Advising the Department of
a recent adverse decision, of
the Administrative Council,
to the claim of the lessee of
one of Angarica's plantations
for damages on account of
the rescission of the lease. The
decision is applicable to the
case of Rojas.

N°757. U.S. Consulate General

Habana, Decr 5th 1868.

Hon F. W Seward

Assistant Secretary of State,

Washington.

Sir:

Recurring to your instruction N° 476 of the 29th October ultimo and with refer=ence to the note of the Spanish Chargé d'Affaires, of the 6th of September, accompanying it, I have now to state that I have received private but trustworthy inform=ation that the Administrative Council (Consejo de Administracion) has rendered, recently, a decision bearing upon the case of Rojas' which removes the sole objection,

which can be alleged by this Government, to the surrender of the remaining property of Rojas, if there were any disposi=tion on the part of these Authori=ties to carry out an act of simple justice.

In the note, referred to, appears the following:

"It is therefore evident that when "the Governor General decreed "the release of the property of "Rojas <u>without condition</u>, the decree "referred merely to the conditions "contained in the orders of that "Government, relative to releases "of property, and that the "obligation previously contracted, "leasing a portion of the property

<u>of</u>

"of Rojas, must be respected
"until its termination as a
"legitimate consequence of the
"sentence pronounced by a
"competent Court of Justice; —
"otherwise the Spanish Government
"on granting a remission of
"the penalty of seizure or —
"confiscation would be obliged
"to indemnify a third party."

In May 1874 Governor General Concha ordered two embargoed plantations belonging to Joaquin Garcia de Angarica to be restored to the owner — notwithstanding the fact that they were subject, like Mr Rojas' plantation the San Rafael, to leases of six years of which

Despatch nº 87 May 1 1874

four years still remained unex
=pired; the leases, in both cases,
were made at the same
time and upon the same
published conditions.

It appears from the
private information I have
received, that the lessee of one
of Angarica's plantations, Mr
Ignacio Lopez Trigo, instituted
a claim for damages arising
from the rescission of his lease;
claiming the sum of seventy
thousand dollars for each
unexpired year. The claim
was addressed to the Governor
General who declared it inad
=missable; it then passed to the
Superior Court of the Island

(Audiencia) when it was
thrown out for want of juris
=diction; it was then submitted
to the Administrative Council;
this body, on the 9th November
ultimo, declared that Lopez
had no claim whatever for
indemnification of any kind
and that this decision is in
accordance with the general
terms of the lease.

The decision is in
every respect applicable to the
case of Mr Rojas and, as I
have already stated, sets
aside the only pretext alleged
by the Spanish Chargé d'Affaires
for still retaining Mr Rojas
property - "that the Spanish

"Government would be obliged to indemnify a third party".

I have the honor to be Sir,

Very respectfully,

Your Obedient Servant,

Henry C Hall

Consul General.

ack & approving of Mr Edmunds

DEPARTMENT OF STATE
DEC 19 1873
RECEIVED

No 758. U.S. Consulate General.

Havana, Dec 12th 1873.

Mr Hall to the

Department of State.

ackgd. 16th Jany 6"

Acknowledging the receipt of instructions Nos 479 and 480 of the 29th ultimo and 3d instant, the latter relating to the claim for registration &c of Mrs Francisca Izquierdo de Vinyet, a naturalized citizen of the United States and wife of a Spanish subject.

No 758. U.S. Consulate General

Havana, Decr 12th 1878.

Hon J.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

I have the honor to acknowledge the receipt of your instructions, N° 479 of the 29th ultimo relating to the liberation, by this Government, of the slaves of José Manuel Trelles a naturalized citizen of the United States, and N° 480 relating to the claim of Mr. Vinyet, a Spanish subject, for the registration, in this Consubate, of his wife Mrs Francisca Izquierdo de Vinyet a c—

naturalized citizen of the United States and demanding for her the rights and considerations, granted to foreigners in Cuba, in the imposition and collection of taxes, as reported to the Depart= =ment with Mr Williams' dispatch, N° 726 of the 22d August ult°.

With reference to the preten= =sion of Mr Vinyet, I beg leave to state, that it has been the invariable practice of this Consulate to refuse registration in all similar cases of married women whose husbands are Spanish subjects.

I am Sir, very respectfully
Your Obedient Servant.

Henry C. Hall
Consul General.

Transmitted to the Department of Claims

DEPARTMENT OF ST
DEC
19
1878
RECEIVED

Instruments
Ack'd & file

No 759 — U.S. Consulate General
Havana, Dec.r 12.th 1878.

Mr Hall, to the

Recd. Jany. 6.th

Department of State.

Case of Mr.y Francisco M.o de Acosta y Foster.

Acknowledging the receipt of instructions, Nos 481 and 482 of the 4.th instant - the latter, relating to the above case: no answer has been received to the protest of Mr Acosta's attorney referred to in dispatch No 743.

N°759. U.S. Consulate General
Havana, Decr 12th 1878.

Hon J. C. Seward
Assistant Secretary of State.
Washington.

Sir:

I have to inform the Depart=
=ment, that I have received ins=
=tructions, Nos 481 and 482, of the
4th instant, the former relating
to the case of Santiago Romero
y Casanova and the latter, to the
case of Mr Francisco M Acosta
y Foster.

With reference to the
subject of N° 482, I have to state
that up to the present no answer
from the Governor General, to
either of the protests of Mr Acosta's
attorney has been received. One
of these protests accompanied
Mr Williams dispatch N°732
of the 7th September: the other,
was transmitted with my No=
743 of the 24th October ultimo.

As soon as I have had an opportunity to consult with Mr Acosta's attorney I will bring the subject again to the notice of the Governor General in accordance with the present instruction, although I have little hope that any new representation of the case will be attended with better success than others relating to the same case which have been addressed to His Excellency and to his predecessor.

I have the honor to be Sir,

Very respectfully,
Your Obedient Servant.

Henry C Hall
Consul General.

Mr. Connor

Telegram

Ackgd. June 6

Havana Dec. 14. 1898.

Secretary of State,

Washington,

The Governor General through the Secretary General informs me that the question regarding the restoration of Rojas Estate the San Rafael is before the Council of Administration, and will be decided soon.

No assurance given whether decision will be favorable or unfavorable.

Hall.

Returned to Exec. Mansion without memorandum A.A.W.

Inclosure 1

To Mr. Evarts, Department of State

Acknl. Jany 6

DEPARTMENT OF ST
DEC 19 1878
RECEIVED

No. 760. U.S. Consulate General.
Habana, Dec. 14th 1878.

Mr. Hall, to the
Department of State.

Case of Manuel José de Rojas.

Acknowledging the receipt of the Department's telegram, of the 13th instant, relating to the above case, and transmitting a copy of the answer of the Governor General.

No 760. U.S. Consulate General,
Harana, Decr 14th 1878.

Hon F.W Seward.
Assistant Secretary of State.
Washington.

Sir:

I have only time to acknowledge the receipt last evening of your telegram of yesterday, relating to the case of José Manuel de Rojas, as follows:

"Washington Decr 13th 1878

"Recd Harana " " " 4.52 P.M.

"Hall - Harana - Department
"advised that Rojas' estate San Rafael
"not yet surrendered and that
"crop is about to be taken off. See
"Superior Authorities and request
"that order of Madrid Government
"for surrender be immediately —
"complied with - reply by Cable -
"Seward -

At One O'clock today I called at the palace and after waiting a full hour for an audience with

the Governor General, the Secretary came in holding in his hand a Spanish translation of the above telegram. Of course, he understood the object of my call and at first stated that the estate would not be surrendered, when I asked him if I was to understand this to be the answer I had to give the Department he modified his language to the tenor of the following telegram, which he stated he had instructions to make known to me.

"Havana December 14. 1878.

"Secretary of State - Washington.

"The Governor General, through the "Secretary General informs me that the "question regarding the restoration of the "Rojas estate, the San Rafael is before the Coun- "cil of Administration and will be decided "soon. No assurance given whether the "decision will be favorable or unfavorable.

Hall -

There seems to be a great reluctance on the part of these authorities to surrender this property.

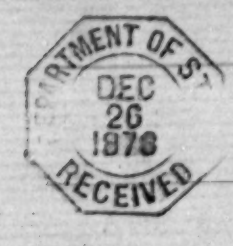
I am Sir very respectfully
Your Obedient Servant
Henry C Hall

Ackd & file

Wood

Ackd Jany 6

No. 761. Confidential.



U.S. Consulate General
Havana, Decr 18th 1878.

Mr Hall, to the
Department of State.

Mexican affairs.

Departure for Mexico of General Ignacio Mejia, ex Minister of War: believed to be in accord with some revolutionary plan.

No 761. Confidential

U.S. Consulate General

Havana, Decr 18th 1878

Hon F.W. Seward.

Assistant Secretary of State

Washington

Sir:

Since the fall of Lerdo in Mexico, General Ignacio Mejia, his late Minister of War, who is said to have presidential aspirations, has made this place his head quarters; some months ago he returned to Mexico invited by Diaz himself. On arrival he was offered the portfolio of the War

Department but declined
it: this act was not kindly
received by Diaz and it
was intimated to Mejia
that he had best leave the
country again. He then
returned to Havana and
from here he went to Spain
where he remained some
three to four months. On
Saturday last, 14th instant,
he sailed again for Mexico
and since then there are
rumors that his departure
is in accord with some
new revolutionary scheme
of overturning Diaz and
of placing Mejia at the
head of that Government.

When

When questioned upon the subject Mejia merely replied that he had no personal aspirations but that he was at the disposal of his friends for whatever they might decide upon.

While here, Mejia seems to have courted intimacy with the extreme Spanish party: it is understood also that he favors intimate relations, political and commercial, between Cuba, Mexico and Spain: that his visit to Spain was in relation to these views and that they are set forth at some

length in a correspondence of his own, from here, to the Mexican newspaper "El Siglo XIX".

Without assuming responsibility for the truth of these reports, although they are probably not without some foundation, I have deemed them of sufficient interest to warrant me in communicating them to you.

I have the honor to be Sir,
very respectfully,
Your Obedient Servant.

Henry C. Hall
Consul General.

"Havana." Mr Wood

Telegram

Rec'd. Jany 6

Key West Fla.

Dec. 20. 1878.

Secretary of State,

Washington.

Political Secretary's

Statement telegraphed Department

fourteenth instant. Case not yet

submitted to Council.

I suggest instructions to me, Cable,

to protest against submission Case to

Council as pretext for delay.

Unusual in similar cases, and

decision if adverse inadmissible, and

repeat demand for immediate unconditional

surrender of Rojas property.

Hall

Havana Dec. 19th

ack & file There is a letter dei
on this case & we are waiting for
Wood
further information from Mr. Hall
Coxe
Jan 6th

Examiner - Adams
T. Piper to

No 762 U.S. Consulate General,

Habana, Dec. 20th 1878.

DEPARTMENT OF S.
DEC
20
1878
RECEIVED

Mr Hall, to the

ackgl. 6th Jany. Department of State.

Case of Manuel José de Rojas.

Transmitting copy of a tele=
=gram of the 19th in reference
to the above case, forwarded
from Key West.

No 762. — U.S. Consulate General.

Havana, Dec 20th 1878.

Hon J.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

With reference to my dispatches. nos 757 and 760 of 5th and 14th instant, and to my telegram of the latter date in which I informed the Department, upon the author=ity of the Secretary General, that the question, regarding the restoration of Rojas' estate San Rafael was before the Council of Admi=nistration, I have now to state that having received

information that up to the
19th the case had not been
submitted to that body and,
further, that in no similar
instance of the restoration
of embargoed property of
American citizens had that
body been consulted, I deemed
it my duty to telegraph
you the following:-

"Political Secretary's
"statement telegraphed Depart
"ment fourteenth untrue.-
"Case not yet submitted to
"Council. I suggest instructions
"to me by cable to protest
"against submission case to
"Council as pretext for delay-
"unusual in similar cases

and

"and decision, if adverse,
"inadmissible, and repeat
"demand for immediate
"unconditional surrender
"of Rojas property - Hall
"Havana Decr 19th -"

In regard to the discretionary power of the Governor General to restore the property under the orders of the Government of Madrid, of 7th November 1873, in fact, to do all that the Department has claimed, there can be no question, the same power was exercised by General Concha, in the case of Angarica, without any intervention of the Council of Administration,

it would seem, therefore,
that the submission to it
of the question of the restora-
tion of Rojas' property was
entirely unnecessary and
without any other object
than to postpone the final
delivery; as, in the event of
an adverse decision of the
Council, the case would,
probably, be referred to
Madrid. In the meantime,
the lessees would have time
enough to carry out their
purpose which is to take
off the present sugar crop
of the estate San Rafael.

For reasons which
the Department will readily

understand I thought best
to forward the telegram,
referred to, to Key West
for transmission thence.

I have learned, to day,
that it is quite probable that
the case will be submitted
to the "Council" tomorrow
and that a decision may
be made some time next
week -

I have the honor to be Sir,
very respectfully.
Your Obedient Servant.
Henry C Hall
Consul General.

Transfer to Treasury Claims

W Wood

See Report of Ex. of Claims Jany. 1879

No 763. U.S. Consulate General

Havana December 20 1878.

DEPARTMENT OF S.
DEC
26
1878
RECEIVED

Wm Hall, to the

Recd. Jany 22.

Department of State.

In regard to a person under the name of Johnst. Read, now in Havana, who is believed to be a criminal.

No 763. U.S. Consulate General.

Havana, December 20, 1878

Hon F.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

One of the Inspectors of police of this city called at this office yesterday and gave me information in regard to a person calling himself John H. Read, now staying at one of the hotels of the place, whose actions have created suspicions that he may be implicated in some of the recent burglaries and robberies in the United States. I have embodied a memorandum of the inspectors statement in a letter to the Super-intendent of Police. New York city. as per copy inclosed to which I

respectfully call your attention.

I have stated in the letter, that Read arrived here from New York on the 4th October ultimo with the certificate, dated 28th September, of a Notary of Kings' County N.Y. - that he had applied to the Department for a passport. This certificate bears the visa of the Spanish Consul in New York and is of the form used in cases where parties are about to leave without time to obtain passports from Washington; the passports are usually sent out afterwards by mail and to this Consulate.

Were this person

a

a Spanish subject he would
be detained and made to
give an account of the source
from whence he derives his
possessions, and in the mean
=time, these would be taken
from him and safely deposi
=ted, to await claims of rightful
owners; but as he is a foreigner
the authorities would hesitate
in taking such a step, —
without the cognizance of
the Consul of the nation to
which he belongs.

The object of this
dispatch is simply to ask
the Department whether,
in a case like the present,
it would not be proper

to cooperate with the
authorities in the investigations
they could make under
their own police regulations:
this island is such a
convenient resort for criminals
escaping from the United
States, that some such accord
might be desirable.

I have the honor to be Sir,

very respectfully
Your Obedient Servant
Henry C. Hall
Consul General.

Enclosure N° 1
With Dispatch N° 763.
Habana, December 20th 1878.-
Copy

Confidential_ U.S. Consulate General
Habana, Decr 19th 1878.

To the Superintendent of Police.
New York City.

Sir:

One of the police inspectors of this place has this day given me the following memorandum relating to a person calling himself John H Read, now in this city at the Hotel Europa and whose actions have attracted his suspicions.

"A person named Read "who came from the United "States has been in this city "during the past near three "months: his description is "as follows: stature tall (6 ft) "complexion, hair and beard

"sandy, wears full beard, —
"which is of about two months
"growth: bald, noticeable
"when he removes his hat, he
"is of fine athletic proportions:
"his age is from 25 to 30 years:
"It is known that he came
"here with another person
"who has since left for St Thomas.
"He has attracted attention at
"times by his lavish expenditure
"of money - English sovereigns,
"Bank of England notes, American
"five dollar pieces and greenbacks.
" He says he was born in the
"United States - says he has been
"in London, Paris &c, but the
"general impression among
"those who have met him, is
"that he is an Englishman,
"and a criminal of some sort.
"When not under the excite-
="ment of drink he is very
"reserved and reticent: At
"other times he represents —

"himself to be a merchant in
"the United States, at other
"times a broker, commissionist
"&c. He frequents one of the
"houses of ill fame in the
"place where his peculiari
"ties have attracted the
"attention even of the inmates"

I will further add that the person referred to arrived at this port on the 4th October in the Steamer "Carondelet" which left New York on the 28th of September ultimo. He brought no passport but in lieu produced the usual printed notarial certificate of having applied to the Department of State for one - this certificate was issued by Christian J Hagan a notary public of Kings county: it is dated the 28th September, the day of his departure, and states that

the partys name is John H. Read, 6 feet high, 35 years of age and that upon conclusive proofs of United States citizenship a passport has been solicited from the Department of State. It fregiently happens that passengers leave New York upon certificates of this description but the passport generally follows directed to the care of this office. In the present instance no passport has been received.

I am Sir,

very respectfully
Your Obedient Servant.
(signed) Henry. C. Hall.

Col. J.

Private.

"Havana"

Havana Dec 24 1878

My dear Sir-

Some lunatic or idiot is constantly writing me anonymous letters like the enclosed- and imagine that those addressed to the President, also enclosed, are of the same tenor and style. I have thought best to transmit them to you and at the same time ask you whether I shall transmit others from the same source.

Remain-

Yours very truly

Henry C Hall

DEPARTMENT
JAN
2
1879
RECEIVED

Hon F. W. Seward

&c &c &c

Washington

D.C

Reservadamente.

Despues de la emancipacion de la esclavitud en Cuba, porque esta es condenada por la Religion, filosofia, humanidad y civilizacion, y de desaparecer de su circulacion el papel moneda, siendo sustituido como antiguamente por el oro y la plata, digo á V. lo siguiente.

Porque conviene á los intereses de Washington, y á los de los Americanos Libres, Cuba va á ser Libre cuanto antes, por medio de una Catastrofe, en el cual correrá la sangre á torrentes.

Sin otro particular, queda á sus ordenes.

Un Anglo americano
ó sea, un Fabricante.

Esta carta va á cum-

plirse inmediatamen
te y lo escribo en caste-
llano con ideas

Viva Washington

Estoy probando traistoi la
evidencia que porque
conviene a los intereses
morales y mercantu
les de Washington y
ai los de la America
Libre, Cuba no ai ser
Libre cuanto antes.
Muera el Monopo
lio del papel mone
dado de Cuba.

Wade

DEPARTMENT OF ST.
JAN
2
1879
RECEIVED

No 764. U.S. Consulate General.

Habana, Dec 26th 1878.

Ackgd. Jany. 6th

Mr. Hall, to the

Department of State.

Instructed to Mr. Hall Jany 20th, acts this case.

Case of Manuel José de Rojas.

Acknowledging the receipt of the Department's telegram, of the 21st instant, and transmitting a copy of the protest addressed to the Governor General in accordance with its instructions.

One inclosure.

No 764 — U.S. Consulate General

Habana, Decr 26th 1878

Hon J.H. Seward

Assistant Secretary of State

Washington

Sir.

I have the honor to acknowledge the receipt of your instructions, Nos 483 and 484, of the 13th and 17th instant and your telegram of the 21st instant, the latter as follows:

"Protest against any delay
"in the execution of the
"acknowledged rights of
"Rojas, whether by submission
"to Council or in any other
"form. This Government

"considers itself entitled to
"an immediate execution of
"those rights."

In compliance
with this telegram, which
was received on Saturday
evening, 21st instant, I
addressed, on the 23d; a
communication to the
Governor General protesting
against the delay in the
restoration of Mr Rojas'
property, against the
submission of the case,
already decided in favor
of Mr Rojas, to the
doubtful determination
of the "Council of Adminis-
tration", and respectfully
assuring

assuring A.E. that any
decision of the Council, s
adverse to the immediate
restoration to Mr Rojas
to the complete possession
of his property, cannot be
admitted by the Department.
to this communication I
have as yet received no
acknowledgement.

I was informed
that the case was finally
submitted to the "Council" on
the 21st instant; that the
special committee, to which
it was referred met on the 24th.
and with one exception, were
in favor of restoring the
property: had the committee

been unanimous the question would probably have been settled without reference of the case to a full Council, — as it now stands it must remain pending another week or ten days, and then be submitted to a full vote of the Council, the result of which I consi=
=der very doubtful.

Your instruction, N° 484, was not received until the 24th, otherwise the points therein embraced would have been embodied in my protest. I shall have occasion however to refer to them should it be

requisite for me to address
these authorities again upon
the subject.

I am Sir, very respectfully
Your Obedient Servant.

Henry C Hall
Consul General

Inclosure.

1 - Mr Hall to the Governor
General December 23d
1878.

Inclosure Nº 1.
With Dispatch Nº 764.
Havana, December 26th 1878.
Copy.

To His Excellency the Governor and Captain General of this Island.

&c &c &c.

Havana, December 23d. 1878.

Excellency:

The undersigned, Consul General of the United States at this capital, by instructions of his Governm=ment, has the honor to address Your Excellency with special reference to the case of Mr. Manuel José de Rojas a citizen of that country.

On the 13th instant, the undersigned was instructed by telegram from the Depart=ment of State at Washington that it had been advised

that Rojas' estate San Rafael had not been surrendered, that its crops was about to be taken off and directing the under= =signed to see the Superior Authorities and request that the order of the Madrid Government for surrender be immediately complied with and to report the result by the cable.

In compliance with that instruction the undersigned called at the palace on the 14th instant and not being able to obtain an interview with Y.E. was informed by the Señor Secretary General, who held in his hand a translation of the telegram referred to, that he had instructions from Y.E. to inform the undersigned, that the question regarding the restoration of Rojas' estate

the San Rafael was then
before the "Consejo de Adminis
=tracion" and that it would
be decided soon but that
no assurance would be given
whether the decision would
be favorable or unfavorable;
all of which was transmitted
to the Department by cable.

The undersigned has
now to make known to Y.E.
that the reply sent, as above
to the Department on the
14th instant, is not satisfact
=ory to his Government and
that under date of the 21st
he has received another
telegraphic instruction to
"protest against any delay
"in the execution of the
"acknowledged rights of Rojas,
"whether by submission of the
"case case to the "Consejo de
"Administracion" or in any
"other form, and that the

"Government of the United States
"considers itself entitled to an
"immediate execution of those
rights": The rights, referred
to, are those of a citizen
of the United States who is
denied the possession and
enjoyment of his property:
these rights are of treaty
stipulation and as such
were recognized by the
Government of Madrid in
its terminant order of
restoration of the 7th November
1873 and by the assurances
given by H.E. the Governor
General Jovellar, in April
last, to the undersigned
for communication to his
Government.

It is now more
than five years since the
order of the Government of
Madrid was issued, eight
months have transpired since

the

the Government of the United States was informed that the unconditional restora-tion of the property of Mr Manuel José de Rojas had been ordered by the General Government of this Island and these orders, as regards the most important and valuable part of that property, have not been complied with: in the meantime the damages to which the legitimate owner has been and continues to be subject are enormous and the undersigned in the name of his Government, in compliance with its instructions and in behalf of the said Mr Manuel José de Rojas, a citizen of the United States, does hereby solemnly protest against the long continued,

retention of the property of
the latter and for all the
damages, injuries, costs,
charges and expenses
which he has incurred
and may hereafter incur
in consequence of the non-
fulfillment of the orders of
restoration, of the Government
of Madrid of the 7th November
1873, and of the General
Government of this Island
of April of the present
year. The undersigned,
in compliance with the
same instructions of his Govern-
ment, still further protests
against the submission of
this case, long since decided
in favor of Rojas by the
Supreme Government
of Spain as well as the
General Government of
this Island, to the doubtful
determination of the Consejo

de Administracion," ostensibly
solely to create delay in
the final restoration of
the property to the great
injury of the owner; the
undersigned therefore begs
leave, most respectfully,
to assure Y.E., in advance,
that any decision of the
said "Consejo" which may
be adverse to the <u>immediate</u>
and <u>unconditional</u> restora
=tion to Rojas to the full
and complete possession
of all his property cannot
be admitted by the Govern=
=ment of the United States.

The undersigned has
the honor to repeat to Y.E.
the assurances of his high
personal respect and
distinguished consideration.

(Signed) Henry C Hall.
Consul General.

Inv Wood.

DEPARTMENT OF STATE
JAN
3
1879
RECEIVED

No 765 U.S. Consulate General.

Ackgd. Jany 6

Havana, Decr 28th 1878.

Mr Hall, to the

Department of State.

Requesting sundry blank books and a flag for the use of this office.

No 765. — U.S. Consulate General.

Havana, Decr 28th 1878.

Hon F. W. Seward

Assistant Secretary of State.

Washington

Sir:

I have to request that the following blank books &c, may be sent to this office in one of the Department's pouches as soon as convenient.

One Ships Daily Journal.

One Invoice Book.

One Note of Protest book.

One Flag.

Rcvd Jan 3. 79

I have to request also that the following forms, as per samples enclosed, may be ordered to be printed for the

special use of this consulate:

1000- Clearances-

1000- orders to the Captain of the Port for delivery of ships papers &c-

500 Bill Heads.

I am Sir, very respectfully.

Your Obedient Servant.

Henry C Hall

Consul General.

File

Mr Hood.

Personal.

U. S. Consulate General.
Havana, January 2d 1879.

RECEIVED
JAN
8
1879
DEPARTMENT OF STATE

Dear Sir:

File

I have the pleasure to acknowledge the receipt of your letter, of the 26th ultimo, introducing Mr Samuel Hoar and his friends, Messrs Washburn and Robeson, who arrived here today. Mr Storer and Mr Kinnicutt, whose names are mentioned in the letter, I learn, remained in the United States.

I shall be glad if I can be of any service to these gentlemen or to any other friends of yours that you may be pleased to recommend to me.

I am, Dear Sir, very respectfully,
Your Obedient Servant.
Henry C Hall

Hon William M. Evarts
&c &c &c
Washington.
D. C.

File

ackgd. Jany 20

Wood

No 766. U. S. Consulate General.

Havana, January 4th 1879.

DEPARTMENT OF STATE
JAN 9 1879
RECEIVED

Mr Hall, to the
Department of State.

The Chinamen in Cuba.

Calling the Departments attention to an article published in the 'Diario de la Marina' of this date under the heading "Trabajadores Chinos" - Chinese laborers.

Inclosure.
"Diario", January 4th 1879.

No 766. U.S. Consulate General.

Habana, January 4th 1879.

Hon F.W. Seward

Assistant Secretary of State.

Washington.

Sir:

Without time to prepare a translation for the mail of today, I beg to call your attention to an article, published in the Diario de la Marina of this date, under the heading of "Trabajadores Chinos" or Chinese laborers.

The origin of this discussion is a telegram from Washington to the New York Herald, published in that paper of the 16th ultimo. Its purport was transmitted to the Habana press and published here on the 17th ultimo, as follows:

"The Minister of State of
"China has requested the
"Government of the United States

"to instruct its Consuls in Cuba,
"to assist the Consuls, that China
"is about to send to that Island,
"in cases where questions arise
"which may affect Chinese
"laborers."

The foregoing it appears has given offence here, in official regions, as I shall have occasion to report to you in my next dispatch.

I have the honor to be Sir,

very respectfully,

Your Obedient Servant.

Henry C Hall

Consul General.

Inclosure.

Diario de la Marina of Havana of 4th January 1879.

"Diario de la Marina."
Sábado 4 de Enero de 1879.

HABANA.

VIERNES 3 DE ENERO DE 1879.

Trabajadores chinos.

No muy satisfactoria noticia fué, á nuestro entender, la que el cable nos trasmitió desde Nueva York há pocos dias, y á la cual nos abstuvimos de aludir hasta no verla confirmada, cual la hemos visto ya, en los periódicos norte-americanos. Ignoramos, dicho sea en puridad, el fundamento de esa nueva, y su grado de exactitud nos es desconocido: más una vez que sin contradiccion de nadie ha circulado en el punto de su orígen, y que su verosimilitud no puede disputarse, parécenos útil no dejarla pasar sin oportunas observaciones. Así como así atañe de muy cerca la cuestion á los intereses inmediatos de esta Isla, y no toca tampoco de muy léjos á la conveniencia y dignidad de nuestra patria.

Aludimos al anuncio que ha visto la luz pública en la metrópoli del Norte, y que, echado á volar por la prensa oficiosa neoyorkina dice de esta suerte: "El ministro de Estado de la China ha solicitado del gobierno de los Estados Unidos que dé instrucciones á sus cónsules en Cuba para que, en caso de suscitarse cuestiones que afecten á los trabajadores chinos, ayuden á los cónsules que aquella nacion va á mandar á esa isla."

La noticia, volvemos á decir, es verosímil y probablemente verdadera. Desde que Mr. Anson Burlingame, ministro plenipotenciario de los Estados Unidos en Pekin, se puso al servicio del Celeste Imperio, representándolo ante las naciones de América y de Europa allá por los años de 1865, ha sabido la diplomacia norte americana, conservar en aquel remoto país la preponderancia que adquirió entónces para ella uno de sus miembros más sagaces, y que fortificó poco tiempo despues la visita del eminente Mr. Seward. Así hemos visto triplicarse en el corto espacio de dos lustros el comercio de la China con los Estados Unidos, y, en estos últimos meses, establecerse en Washington la embajada que preside Chin Lan-Pin, con carácter de permanente ante la Union Americana, enalteciéndola, además, los plenos poderes de que se halla revestida para organizar el servicio consular de su país en los dominios españoles, y en todos los puertos del Perú. Nada habrá que objetar á esa preferencia miéntras no revele sino cordialidad entre los dos gobiernos, más ó ménos íntima y estrecha; mas cuando puede trascender á sus relaciones internacionales y desnaturalizar las prácticas del derecho de gentes consuetudinario, ó lo que es peor aún, las clarísimas reglas del positivo, entónces sí debe fijarse en aquella la atencion, para evitar complicaciones graves y conjurar conflictos excusados.

Entre España y el imperio chino acaba de pactasse un convenio llamado á regularizar la emigracion de súbditos del último á los dominios españoles de América, y es una de las cláusulas del contrato, (cuyo texto cabal desconocemos todavía) la institucion recíproca de cónsules en señalados puntos de ámbas naciones contratantes. Los de China en la nuestra, así como los de España en el Celeste Imperio, ejercerán su mision, con las perogativas correspondientes á cónsules enviados ó cónsules electos, segun el carácter de cada funcionario, ajustándose todos, en lo expresamente convenido, á la letra del tratado, y en lo que éste no provea, á las prescripciones universalmente admitidas del derecho internacional, tal y como se practica entre los pueblos cultos. Esto es indudable, y en materia tan delicada y de tan general conocimiento bien puede afirmarse que el tratado no habrá introducido innovacion que contraríe los preceptos por todas las naciones acatados. Ni el curso de las negociaciones, ni el objeto del pacto permiten suponer que éste autorice novedades desconformes con los buenos usos diplomáticos, ú opuestas á los procedimientos comunmente admitidos.

Pues bien, extraña de un todo es á ámbas cosas la gestion que en el referido anuncio se atribuye al ministro de Estado de la China, y el mero hecho de intentarla está comprobando nuestro aserto prévio de que el tratado no puede sancionar una ingerencia para la cual no conocemos precedente capaz de causar estado en la cuestion. Damos por supuesto que el ayuda que China solicita de los cónsules norte-americanos no es simplemente la ilustracion y sano consejo que entre compañeros no se niega nunca y que siempre se imparte de modo privado y extraoficial, pues para estas funciones de mera cortesía y condescendencia, exentas de toda responsabilidad, no es menester permiso ni autorizacion de los gobiernos. ¿Qué ley ni consideracion puede prohibir á los agentes consulares que consulten, para el mejor desempeño de su car

go, no ya con sus colegas, sino con abogados, comerciantes ó particulares, necesidad frecuentísima en su oficio? Ninguna razonable. Sí, pues, la noticia que estamos comentando es verdadera, aquella ayuda ostentaría carácter oficial y la representacion de China entre nosotros sería en cierto modo colectiva, complicándose la gestion de sus cónsules con la intervencion, el apoyo y por de contado tambien, la responsabilidad de los cónsules norte-americanos y de la nacion de quien dependen.

Sobre manera peligrosa y ocasionada á muy sérios disgustos estimaríamos esa ingerencia, que no esperamos ver autorizada por el gobierno americano. Los funcionarios del órden consular no son ministros públicos, tal como el derecho de gentes los define, ni ejercen atribuciones diplomáticas: desde Grocio hasta Wheaton consignan todos los tratadistas ese principio, que no sufre excepcion sino en las escalas de Levante. "Los cónsules, dice De Clercq, se diferencian de los funcionarios diplomáticos, en que estos últimos están más especialmente encargados de los intereses políticos, al paso que aquellos velan por los del comercio y navegacion de sus nacionales. Así es que un Soberano no puede negar á otro la admision de embajadores ó enviados, sin incurrir en cierta especie de hostilidad, miéntras que, áun cuando conceda la libertad de comercio en sus Estados, puede prohibir el establecimiento de agentes consulares, sin ofender la susceptibilidad de otros gobiernos." Con esta doctrina está conforme un escritor distinguido de nuestra patria, el Sr. Jove y Hevia, á quien no se acusará seguramente de deprimir la importancia de los cónsules, y el cual, al compararlos con los agentes diplomáticos dice, valiéndose de un símil muy feliz, que estos últimos son en las relaciones internaciones, como tutores, nombrados en primer lugar para las personas y en segundo para las cosas, y aquellos como curadores, instituidos principalmente para el cuidado de las cosas, y secundariamente para el de las personas. Así, pues, sus comunes atribuciones se completan las unas á las otras, pero no pueden confundirse.

Heffter, autor tan justamente reputado, en América sobre todo por la autoridad que ha dado á sus obras el aplauso de Wheaton, de Hard, de Lieber y de Halleck, dice, basándose en la opinion de Miltitz, que es concluyente en la materia: "Ningun gobierno está obligado á admitir contra su voluntad cónsules extranjeros. Por esta razon se procura hacer reconocer esta facultad expresamente por un tratado público." La más grave de las funciones consulares ordinarias la define en los términos siguientes: "Vigilar siempre por la extricta observancia de los tratados de comercio y de navegacion, tanto por parte del gobierno cerca del cual residen, cuanto por parte *de la nacion á que representan*. Si se turba la buena armonía deben hacer ante las autoridades competentes las gestiones necesarias para restablecerla.' Pero esas gestiones se limitan á la observacion respetuosa, y cuando ésta no diere fruto, á la protesta. De ningun modo invaden la esfera diplomática. "Las atribuciones de los cónsules enviados á las escalas de Levante y á los Estados asiáticos y berberiscos, (dice el mismo Heffter,) son *más extensas*..... Están acreditados y son tratados *allí* como ministros extranjeros." Luego es claro que en los demás lugares no pueden gozar de las preeminencias que á éstos solamente corresponden.

Más explícito aún se manifiesta nuestro Riquelme, de acuerdo con el sentir de Küber, Martens, Ortolan y cuantos autores de justa fama han escrito sobre el caso. Despues de sentar que los diplomáticos son "los agentes de las negociaciones que se promueven entre los Estados, y los que conciertan y *conservan* sus relaciones políticas con arreglo á los tratados y á los principios del derecho comun," dice, textualmente: "El primer deber de los agentes consulares es reclamar de las autoridades locales el cumplimiento de los tratados *en favor de sus compatriotas*, así como aquellas consideraciones que emanan del derecho de gentes ó de la justa reciprocidad. En el caso de no ser atendidas sus instancias deben dirigir sus quejas al consulado general ó á la legacion, pero nunca acudir al gobierno del Estado en que residen, *ni entablar negociaciones con las autoridades locales sobre la interpretacion de los tratados, ni sobre ningun punto de derecho público, porque esto es exclusivo de los gobiernos, y no de funcionarios subalternos.*'

Perfectamente ajustada á esos principios está nuestra jurisprudencia consular. La primera atribucion de nuestros cónsules, "con relacion á las autoridades locales del pais de su residencia" es "velar por los derechos é intereses de *su Nacion*," debiendo "proteger en su demarcacion respectiva los derechos é

intereses *de los españoles* que acrediten estar debidamente autorizados para viajar ó establecerse en el extranjero." Así lo prevée el Reglamento de 31 de mayo de 1870. Y ¿cómo deberá entenderse aquella vigilancia y proteccion? Su forma más ámplia, dentro del derecho positivo, la encontramos en los convenios consulares celebrados por España con los gobiernos de Portugal, Bélgica y Confederacion Alemana del Norte, respectivamente, en 21 de febrero, 19 de marzo y 22 de abril de 1870. He aquí el artículo que las define en los tres diplomas referidos: "Los cónsules generales, cónsules y vice-cónsules ó agentes consulares podrán dirigirse á las autoridades de su distrito para reclamar contra toda infraccion de los Tratados ó Convenios *existentes entre los dos paises*, y contra cualquier abuso de que se quejasen *sus compatriotas*. Si sus reclamaciones no fuesen atendidas por las autoridades del distrito consular, ó la resolucion que éstas dictasen no les pareciera satisfactoria, podrán tambien recurrir, *á falta de agente diplomático de su pais*, al gobierno del Estado en que residan."

Existen, además, dos precedentes de gran peso, que alejan de esta isla toda gestion que afecte carácter diplomático. Cuando, en mayo de 1865, recaló en este puerto de la Habana el ariete confederado *Stonewall*, reclamaron su entrega del capitan general de la Isla, fundándose en razones de derecho internacional, el contra-almirante americano Stribling y el brigadier general Newton, jefe del distrito de Florida. El general Dulce, en una carta que fué muy aplaudida por la prensa europea, y aún por la misma de los Estados Unidos, respondió de este modo á peticion tan singular: "V. V. E. E. me permitirán les manifieste que comunicaciones como la que hoy contesto son permitidas solamente de nacion á nacion, por el conducto de sus legítimos representantes *ad hoc*, lo cual no somos ni V. V. E. E. *ni yo*."—Mucho ántes, ó sea en 1845, se suscitaron algunas diferencias entre el Capitan general de la isla de Cuba y el cónsul de S. M. británica en la Habana relativamente á la correspondencia entre las dos autoridades. Tan graves vinieron á ser que provocaron un convenio formal, concertado á 4 de noviembre de aquel año entre el ministro de Estado D. Francisco Martinez de la Rosa y el embajador de Inglaterra Sir Henry Lytton Bulwer, en el cual se determinó que "aunque el cónsul inglés (y por consiguiente los de todas las potencias) goza de la plena facultad de reclamar la debida proteccion para los súbditos británicos, y que sean justamente atendidos todos los derechos que afectan á sus intereses comerciales, no puede tomar en sus comunicaciones con el Capitan general de la isla de Cuba el carácter del representante de S. M. B. en Madrid, á quien *únicamente* corresponde, segun las formas diplomáticas, comunicar con el ministro de Estado de S. M. católica *con respecto al cumplimiento en general de los tratados entre las dos naciones*"

De toda lo expuesto se deducen principalmente dos cosas, á saber: la primera, que la gestion de los cónsules en todos los paises se limita, con arreglo al derecho de gentes, salva las excepciones que determine un pacto en contrario, que no existe ni puede existir entre España y China, *á velar é instar* por el cumplimiento de los tratados, sin entrar en parte ninguna á discutirlos, y en la isla de Cuba mucho ménos, y segunda, que esa gestion se entiende respecto de los derechos é intereses *del pais de cada cónsul*, y no de los que toquen á súbditos de naciones extranjeras.

Bien sabemos que la instancia colectiva no está proscrita por los buenos usos diplomáticos, pero aquella sólo tiene lugar en casos que importan á *todas* las naciones, no á una sola. No ignoramos tampoco que es costumbre universalmente admitida la de poner en ciertas ocasiones los negocios de un país á cargo del representante de otro, mas cuando esto sucede, ó se efectúa por muy poco tiempo, y en virtud de circunstancias anormales, ó al agente extranjero se le inviste de representacion cabal en toda forma. En otros términos: un mismo cónsul puede representar en un solo lugar á varias naciones, pero no es admisible que en un solo lugar representen á una misma nacion distintos cónsules. Y á esto último, opuesto al derecho y á las buenas prácticas, propende la solicitud que los periódicos de Nueva York atribuyen al gobierno del Celeste Imperio.

Por nuestra parte creemos muy dudoso, áun dado el caso de ser cierta esa noticia, que el gobierno de los Estados Unidos, fiel observante del derecho internacional bajo la honrada administracion de Mr. Hayes, acceda á una solicitud que, sobre el vicio de nulidad que invalidaría su otorgamiento, (pues el *exequatur* concedido á los cónsules ameri-

canos no autoriza la intervencion de éstos en las gestiones de sus colegas), fuera depresiva de la dignidad de nuestra nacion. El gobierno chino tiene derecho perfecto á juzgar por sí propio lo que más convenga al prestigio de la suya; pero no es creible que el de España reconozca nunca en el de ninguna otra potencia, la facultad de inmiscuirse en negocios enteramente ajenos de su jurisdiccion y privativos del nuestro y de cada pais que tenga tratados con nosotros, ni cabe suponer que tolerémos fiscalizaciones atentatorias á la independencia nacional y depresivas de la soberanía de nuestra patria.

El tratado entre España y China, naciones independientes ámbas, se concertó sin mediacion de otra potencia: no estaría, pues, justificada esa mediacion *á posteriori* que el derecho internacional no reconoce ni aún allí donde *á priori* llegó á existir por voluntad de las altas partes contratantes, y el imperio chino sabe perfectamente que no necesita del ayuda ajena para experimentar la acrisolada buena fe de España en el cumplimiento de sus obligaciones internacionales.

W. H.
Ack & file

W Wood

Ackd. Jany 20

No 767.— U.S. Consulate General,

Havana, January 8th 1879.

DEPARTMENT OF ST
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16
1879
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Mr Hall to the
Department of State.

The Chinamen in Cuba.

Accompanying a translation of an article, published in the Diario de la Marina of Havana. January 4th 1879, under the head of "Chinese Laborers."—

2 Inclosures.

No. 767. U.S. Consulate General.

Habana, January 8th 1879.

Hon J.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

Referring to my dispatch, No 766. of the 4th instant, I now transmit the original and a translation of the article, entitled "Chinese laborers", which appeared in the "Diario de la Marina" of this City, on the 4th instant. I stated in that dispatch that the origen of this discussion was a telegram from Washington, published in the New York Herald of the 16th ultimo, announcing that the Minister

1/2

"of State of China had requested
"the Government of the United
"States to instruct its Consuls in
"Cuba to assist the Consuls which
"China is about to send to the
"Island, in cases where questions
"arise which may affect Chinese
"laborers." In this condensed
and slightly misconstrued form
the telegram was transmitted to
and published by the Havana
press on the 17th ultimo.

From several sources
I learned that the telegram
had given great offence to the
Secretary General and probably
to his Chief. Having occasion
to see the former, on the 3d
instant, he referred to the
subject

subject with the view, I supposed, of obtaining an explanation, which I gave him, substantially, as follows:

In the first place, that my Government was not in the practise of giving improper instructions to its consular officers: that although I had received no information upon the subject, I felt warranted in saying that, whatever might be the nature of the request made by the Government of China, the instructions, if any, which the Government of the United States would give its Consuls in Cuba would be, in all probability, of an unofficial character; merely

recommending the Chinese Consuls to the regard, and friendship of the Consular officers of the United States, for such advise or information as the former might need to enable them to discharge their duties properly.

I improved the occasion to state that the Commissioners, of which Mr Chin Lan Pin was the chief, sent by the Government of China in 1874 to inquire into the condition of its subjects in this Island, were commended by their respective Governments to the Consuls at Havana of every nation connected with China by treaty, and that, whatever request the Chinese Government

may have now made of the
Government of the United States,
it had, beyond a doubt, made
the same request of all other
friendly Governments with
which it has treaties.

In regard to the article
of the "Diario", I imagine it was
not suggested by the Secretary
or the Governor General although
possibly it may have arisen
from conversations with them.
It seems almost incredible
that a mere newspaper
paragraph, of itself of so little
consequence, could be made to
assume such apparent importance;
but since the visit of the Chinese
Commission referred to, in 1874

- and which the Havana press, at that time, accused the United States of inducing China to send to the Island, there has been great sensitiveness in certain circles in regard to all newspaper reflections, direct or indirect, relating in any way to the treatment of Chinese laborers in Cuba.

I have the honor to be, Sirs,

very respectfully -

Your Obedient Servant.

Henry C Hall

Consul General

Inclosures.

1 & 2 - Article from the "Diario de la Marina" of 4th January 1879 and translations.

Inclosure No 1.

With Dispatch No. 767.

Havana January 8th 1879.

From the "Diario de la Marina" of 4th Jany 1879.

HABANA.

VIERNES 3 DE ENERO DE 1879.

Trabajadores chinos.

No muy satisfactoria noticia fué, á nuestro entender, la que el cable nos trasmitió desde Nueva York há pocos dias, y á la cual nos abstuvimos de aludir hasta no verla confirmada, cual la hemos visto ya, en los periódicos norte-americanos. Ignoramos, dicho sea en puridad, el fundamento de esa nueva, y su grado de exactitud nos es desconocido: más una vez que sin contradiccion de nadie ha circulado en el punto de su orígen, y que su verosimilitud no puede disputarse, parécenos útil no dejarla pasar sin oportunas observaciones. Así como así atañe de muy cerca la cuestion á los intereses inmediatos de esta Isla, y no toca tampoco de muy léjos á la conveniencia y dignidad de nuestra patria.

Aludimos al anuncio que ha visto la luz pública en la metrópoli del Norte, y que, echado á volar por la prensa oficiosa neoyorkina dice de esta suerte: "El ministro de Estado de la China ha solicitado del gobierno de los Estados Unidos que dé instrucciones á sus cónsules en Cuba para que, en caso de suscitarse cuestiones que afecten á los trabajadores chinos, ayuden á los cónsules que aquella nacion va á mandar á esa isla."

La noticia, volvemos á decir, es verosímil y probablemente verdadera. Desde que Mr. Auson Burlingame, ministro plenipotenciario de los Estados Unidos en Pekin, se puso al servicio del Celeste Imperio, representándolo ante las naciones de América y de Europa allá por los años de 1865, ha sabido la diplomacia norte americana, conservar en aquel remoto país la preponderancia que adquirió entónces para ella uno de sus miembros más sagaces, y que fortificó poco tiempo despues la visita del eminente Mr. Seward. Así hemos visto triplicarse en el corto espacio de dos lustros el comercio de la China con los Estados Unidos, y, en estos últimos meses, establecerse en Washington la embajada que preside Chin-Lan-Pin, con carácter de permanente ante la Union Americana, enalteciéndola, además, los plenos poderes de que se halla revestida para organizar el servicio consular de su país en los dominios españoles, y en todos les puertos del Perú. Nada habrá que objetar á esa preferencia miéntras no revele sino cordialidad entre los dos gobiernos, más ó ménos íntima y estrecha; mas cuando pue de trascender á sus relaciones internacionales y desnaturalizar las prácticas del derecho de gentes consuetudinario, ó lo que es peor aún, las clarísimas reglas del positivo, entónces sí debe fijarse en aquella la atencion, para evitar complicaciones graves y conjurar conflictos excusados.

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dimientos comunmente admitidos.

Pues bien, extraña de un todo es á ámbas cosas la gestion que en el referido anuncio se atribuye al ministro de Estado de la China, y el mero hecho de intentarla está comprobando nuestro aserto prévio de que el tratado no puede sancionar una ingerencia para la cual no conocemos precedente capaz de causar estado en la cuestion. Damos por supuesto que el ayuda que China solicita de los cónsules norte-americanos no es simplemente la ilustracion y sano consejo que entre compañeros no se niega nunca y que siempre se imparte de modo privado y extraoficial, pues para estas funciones de mera cortesía y condescendencia, exentas de toda responsabilidad, no es menester permiso ni autorizacion de los gobiernos. ¿Qué ley ni consideracion puede prohibir á los agentes consulares que consulten, para el mejor desempeño de su cargo, no ya con sus colegas, sino con abogados, comerciantes ó particulares, necesidad frecuetísima en su oficio? Ninguna razonable. Sí, pues, la noticia que estamos comentando es verdadera, aquella ayuda ostentaría carácter oficial y la representacion de China entre nosotros sería en cierto modo colectiva, complicándose la gestion de sus cónsules con la intervencion, el apoyo y por de contado tambien, la responsabilidad de los cónsules norte-americanos y de la nacion de quien dependen.

Sobre manera peligrosa y ocasionada á muy sérios disgustos estimaríamos esa ingerencia, que no esperamos ver autorizada por el gobierno americano. Los funcionarios del órden consular no son ministros públicos, tal como el derecho de gentes los define, ni ejercen atribuciones diplomáticas: desde Grocio hasta Wheaton consignan todos los tratadistas ese principio, que no sufre excepcion sino en las escalas de Levante. "Los cónsules, dice De Clercq, se diferencian de los funcionarios diplomáticos, en que estos últimos están más especialmente encargados de los intereses políticos, al paso que aquellos velan por los del comercio y navegacion de sus nacionales. Así es que un Soberano no puede negar á otro la admision de embajadores ó enviados, sin incurrir en cierta especie de hostilidad, miéntras que, áun cuando conceda la libertad de comercio en sus Estados, puede prohibir el establecimiento de agentes consulares, sin ofender la susceptibilidad de otros gobiernos." Con esta doctrina está conforme un escritor distinguido de nuestra patria, el Sr. Jove y Hevia, á quien no se acusará seguramente de deprimir la importancia de los cónsules, y el cual, al compararlos con los agentes diplomáticos dice, valiéndose de un símil muy feliz, que estos últimos son en las relaciones internaciones, como tutores, nombrados en primer lugar para las personas y en segundo para las cosas, y aquellos como curadores, instituidos principalmente para el cuidado de las cosas, y secundariamente para el de las personas. Así, pues, sus comunes atribuciones se completan las unas á las otras, pero no pueden confundirse.

Heffter, autor tan justamente reputado, en América sobre todo por la autoridad que ha dado á sus obras el aplauso de Wheaton, de Hard, de Lieber y de Halleck, dice, basándose en la opinion de Miltitz, que es concluyente en la materia: "Ningun gobierno está obligado á admitir contra su voluntad cónsules extranjeros. Por esta razon se procura hacer reconocer esta facultad expresamente por un tratado público." La más grave de las funciones consulares ordinarias la define en los términos siguientes: "Vigilar siempre por la extricta observancia de los tratados de comercio y de navegacion, tanto por parte del gobierno cerca del cual residen cuanto por parte *de la nacion á que representan*. Si se turba la buena armonía deben hacer ante las autoridades competentes las gestiones necesarias para restablecerla." Pero esas gestiones se limitan á la observacion respetuosa, y cuando ésta no diere fruto, á la protesta. De ningun modo invaden la esfera diplomática. "Las atribuciones de los cónsules enviados á las escalas de Levante y á los Estados asiáticos y berberiscos, (dice el mismo Heffter,) son *más extensas*..... Están acreditados y son tratados *allí* como ministros extranjeros." Luego es claro que en los demás lugares no pueden gozar de las preeminencias que á éstos solamente corresponden.

Más explícito aún se manifiesta nuestro Riquelme, de acuerdo con el sentir de Küber, Martens, Ortolan y cuantos autores de justa fama han escrito sobre el caso. Despues de sentar que los diplomáticos son "los agentes de las negociaciones que se promueven entre los Estados, y los que conciertan y *conservan* sus relaciones políticas con arreglo á los tratados y á los principios del derecho comun," dice, textualmente: "El primer deber de los agentes consulares es reclamar de las autoridades locales el cumplimiento de los tratados *en favor de sus compatriotas*, así como aquellas consideraciones que emanan del derecho de gentes ó de la justa reciprocidad. En el caso de no ser atendidas sus instancias deben dirigir sus

quejas al consulado general ó á la legacion, pero nunca acudir al gobierno del Estado en que residen, *ni entablar negociaciones con las autoridades locales sobre la interpretacion de los tratados, ni sobre ningun punto de derecho público, porque esto es exclusivo de los gobiernos, y no de funcionarios subalternos.*"

Perfectamente ajustada á esos principios está nuestra jurisprudencia consular. La primera atribucion de nuestros cónsules, "con relacion á las autoridades locales del pais de su residencia" es "velar por los derechos é intereses de *su Nacion*," debiendo "proteger en *su* demarcacion respectiva los derechos é intereses *de los españoles* que acrediten estar debidamente autorizados para viajar ó establecerse en el extranjero." Así lo prevée el Reglamento de 31 de mayo de 1870. Y ¿cómo deberá entenderse aquella vigilancia y proteccion? Su forma más ámplia, dentro del derecho positivo, la encontramos en los convenios consulares celebrados por España con los gobiernos de Portugal, Bélgica y Confederacion Alemana del Norte, respectivamente, en 21 de febrero, 19 de marzo y 22 de abril de 1870. He aquí el artículo que las define en los tres diplomas referidos: "Los cónsules generales, cónsules y vice-cónsules ó agentes consulares podrán dirigirse á las autoridades de su distrito para reclamar contra toda infraccion de los Tratados ó Convenios *existentes entre los dos paises*, y contra cualquier abuso de que se quejasen *sus compatriotas*. Si sus reclamaciones no fuesen atendidas por las autoridades del distrito consular, ó la resolucion que éstas dictasen no les pareciera satisfactoria, podrán tambien recurrir, *á falta de agente diplomático de su pais*, al gobierno del Estado en que residan."

Existen, además, dos precedentes de gran peso, que alejan de esta isla toda gestion que afecte carácter diplomático. Cuando, en mayo de 1865, recaló en este puerto de la Habana el ariete confederado *Stonewall*, reclamaron su entrega del capitan general de la Isla, fundándose en razones de derecho internacional, el contra-almirante americano Stribling y el brigadier general Newton, jefe del distrito de Florida. El general Dulce, en una carta que fué muy aplaudida por la prensa europea, y aún por la misma de los Estados Unidos, respondió de este modo á peticion tan singular: "V. V. E. E. me permitirán les manifieste que comunicaciones como la que hoy contesto son permitidas solamente de nacion á nacion, por el conducto de sus legítimos representantes *ad hoc*, lo cual no somos ni V. V. E. E. *ni yo*."—Mucho ántes, ó sea en 1845, se suscitaron algunas diferencias entre el Capitan general de la isla de Cuba y el cónsul de S. M. británica en la Habana relativamente á la correspondencia entre las dos autoridades. Tan graves vinieron á ser que provocaron un convenio formal, concertado á 4 de noviembre de aquel año entre el ministro de Estado D. Francisco Martinez de la Rosa y el embajador de Inglaterra Sir Henry Lytton Bulwer, en el cual se determinó que "aunque el cónsul inglés (y por consiguiente los de todas las potencias) goza de la plena facultad de reclamar la debida proteccion para los súbditos británicos, y que sean justamente atendidos todos los derechos que afectan á sus intereses comerciales, no puede tomar en sus comunicaciones con el Capitan general de la isla de Cuba el carácter del representante de S. M. B. en Madrid, á quien *únicamente* corresponde, segun las formas diplomáticas, comunicar con el ministro de Estado de S. M. católica *con respecto al cumplimiento en general de los tratados entre las dos naciones*"

De toda lo expuesto se deducen principalmente dos cosas, á saber: la primera, que la gestion de los cónsules en todos los paises se limita, con arreglo al derecho de gentes, salva las excepciones que determine un pacto en contrario, que no existe ni puede existir entre España y China, *á velar é instar* por el cumplimiento de los tratados, sin entrar en parte ninguna á discutirlos, y en la isla de Cuba mucho ménos, y segunda, que esa gestion se entiende respecto de los derechos é intereses *del pais de cada cónsul*, y no de los que toquen á súbditos de naciones extranjeras.

Bien sabemos que la instancia colectiva no está proscrita por los buenos usos diplomáticos, pero aquella sólo tiene lugar en casos que importan á *todas* las naciones, no á una sola. No ignoramos tampoco que es costumbre universalmente admitida la de poner en ciertas ocasiones los negocios de un país á cargo del representante de otro, mas cuando esto sucede, ó se efectúa por muy poco tiempo, y en virtud de circunstancias anormales, ó al agente extranjero se le inviste de representacion cabal en toda forma. En otros términos: un mismo cónsul puede representar en un solo lugar á varias naciones, pero no es admisible que en un solo lugar representen á una misma nacion distintos cónsules. Y á esto último, opuesto al derecho y á las buenas prácticas, propen-

de la solicitud que los periódicos de Nueva York atribuyen al gobierno del Celeste Imperio.

Por nuestra parte creemos muy dudoso, áun dado el caso de ser cierta esa noticia, que el gobierno de los Estados Unidos, fiel observante del derecho internacional bajo la honrada administracion de Mr. Hayes, acceda á una solicitud que, sobre el vicio de nulidad que invalidaría su otorgamiento, (pues el *exequatur* concedido á los cónsules americanos no autoriza la intervencion de éstos en las gestiones de sus colegas), fuera depresiva de la dignidad de nuestra nacion. El gobierno chino tiene derecho perfecto á juzgar por sí propio lo que más convenga al prestigio de la suya; pero no es creible que el de España reconozca nunca en el de ninguna otra potencia, la facultad de inmiscuirse en negocios enteramente ajenos de su jurisdiccion y privativos del nuestro y de cada pais que tenga tratados con nosotros, ni cabe suponer que tolerémos fiscalizaciones atentatorias á la independencia nacional y depresivas de la soberanía de nuestra patria.

El tratado entre España y China, naciones independientes ámbas, se concertó sin mediacion de otra potencia: no estaría, pues, justificada esa mediacion *á posteriori* que el derecho internacional no reconoce ni aún allí donde *á priori* llegó á existir por voluntad de las altas partes contratantes, y el imperio chino sabe perfectamente que no necesita del ayuda ajena para experimentar la acrisolada buena fe de España en el cumplimiento de sus obligaciones internacionales.

Inclosure No. 2.
With Dispatch No 767.
Havana, January 8th 1879.

From the "Diario de la Marina"
of 4th January 1879.

Chinese Laborers.

Not a very satisfactory announcement, in our opinion, was that which the cable transmitted us from New York a few days ago, to which we abstained from adverting until we should see it confirmed, as we have already, in the North American papers. We do not know, in reality, the foundation for this news, and how much truth there may be in it is unknown to us: but as it has circulated in the place of its origen without-

contradiction, and its plausibility cannot be disputed, it appears to us proper not to let it pass without opportune observations. As it is, it appertains very closely to the immediate interests of this Island, and touches, at no great distance, the dignity of our country.

We allude to the announcement published in the newspapers of the Northern metropolis, and which has been disseminated by the official press of New York - as follows:

"The Minister of State of China
"has requested the Government
"of the United States to instruct
"its Consuls in Cuba, to assist
"the Consuls that China is
"about to send to that Island,
"in cases where questions
"arise which may affect
"Chinese laborers.

The news, we repeat,

is plausible and possibly true.
Since Mr Anson Burlingame,
Minister plenipotentiary of
the United States in Pekin,
entered the service of the Celestial
Empire representing it before the
Nations of America and of Europe.
about the year 1865, North Amer-
can diplomacy has known how
to maintain, in that remote
country, the preponderance
it then acquired through one
of its most sagacious agents
and which the visit of the
eminent mr Seward after
wards gave strength. Thus
we have seen, in the short-
space of two lustrums, the
commerce of China with the
United States trebled and, in
these latter months, established
in Washington in permanent
character before the American
Union, the embassy over
which Chin Tan Pin presides,

invested also with the full powers to organize the Consular service of his country in Spanish dominions and in all the ports of Peru. There can be no objection to that preference while only cordiality, more or less intimate between the two governments, is revealed; but when it tends to transcend their international relations and to denaturalize the practices of generally accepted international rights, or, what is worse still, the clearest rules of truth, then notice should be taken, in order to avoid grave complications and unnecessary conflicts.

Between Spain and the Chinese empire an agreement has recently been entered into, intended to regulate the emigration of the subjects of the latter to Spanish

dominions

dominions in America, and one of the clauses of the contract (the text of which we do not yet know.) provides for the reciprocal establishment of the Consuls of both nations at designated places. Those of China in ours, and those of Spain, in the Celestial Empire, will excercise the prerogatives corresponding to Consuls sent or consuls chosen according to the character of each functionary, all being restricted to the letter of the treaty and, in what this treaty does not embrace, the universally admitted rules of international law, such as is practised among enlightened nations. This is indubitable, and, in such a delicate matter and of such general publicity, it can be well affirmed that the treaty has not introduced any innoration at variance

with the precepts respected
by all nations. Neither the
course of the negotiations
nor the object of the compact
permit the supposition
that it authorizes novelties
not in conformity with good
diplomatic usages or in
opposition to generally
admitted proceedings.

The action therefore,
referred to in the announcement,
which is attributed to the
Minister of State of China,
is foreign to both subjects,
and the mere fact of attempt.
=ing it is proving our assertion
that the treaty cannot sanction
an inherence for which we
know of no precedent
sufficient to give weight to
the question. We take it for
granted, that the assistance
which China solicits of the
North American Consuls is not

merely the information and
sound advice which among
companions is never refused
and is always imparted in
a private and unofficial
manner, as for these acts
of mere courtesy and con-
descention, exempt of all
responsibility, neither the
permission nor authorization
of Government is necessary.
What law or consideration
can prohibit consular agents
consulting others in regard to
the better discharge of their
duty, not only with colleagues
but with lawyers, merchants
and private individuals, a
very frequent necessity in
their office? No reasonable
objection exists. If therefore,
the news, we are commenting
upon, is true that aid would
show its official character, and
the representation of China

among us would be, in a certain way, collective, complicating the action of their consuls with the intervention, the support and consequently the responsibility of North American consuls and of the nations upon whom they depend.

We consider this inherence exceedingly dangerous and liable to serious troubles which we do not expect to see authorized by the American Government. The functionaries of the Consular order are not public ministers, in the sense defined by international law, nor do they exercise diplomatic functions: from Grotius to Wheaton all writers admit that principle, which has no exception, except in the grade of the East. "Consuls, says De Clercq, differ from diplomatic

functionaries

"functionaries in that the latter
"are more especially charged
"with political interests, while
"the former watch over the
"interests of commerce and
"navigation of their countrymen.
"Thus it is that one Sovereign
"cannot refuse another the
"admission of ambassadors
"or envoys, without incurring
"in a certain kind of hostility,
"and although he may concede
"freedom of commerce in
"his States, he can prohibit
"the establishment of consular
"officers without offending the
"susceptibility of other governments".
With this doctrine, a distin-
=guished writer of our country,
Señor Jose y Vieira concurs,
who surely cannot be accused
of lowering the importance
of consuls, and who, in
comparing them with diplo-
matic agents, availing himself

of a very happy simile, says that the latter are, in inter-
=national relations, like tutors appointed in the first place for persons and in the second for things: the former are guardians instituted princi-
=pally for the care of things and secondly for that of persons. Thus their common attributions are complete, the one and the other, but cannot be confounded.

Hefter an author, justly reputed in America, above all by the authority which the approbation of Wheaton, Hard, Lieber and Hallect has given to his work, says, basing his opinion on that of Militz which is terminant upon the subject; "No government "is obliged to admit foreign "consuls against its will. For "this reason the recognition of

"this right is obtained by public
"treaty". The gravest of
ordinary consular duties he
defines in the following terms.
"To see that the treaties of commace
"and navigation are strictly observed
"as well on the part of the Govern-
"ment near which they reside as
"on the part of the government
"of the nation they represent."
If the good understanding is
interrupted they should make
the necessary representations
to the competent authorities for
renewing it. But these represent
-ations are to be respectful observa-
-tions, and to protest when these
produce no effect. They cannot
in any way enter the diplomatic
sphere. J. Ceffter also says-
"The attributions of consuls
"in Eastern countries and in
"the Asiatic and Barbary
"States are more extensive —
"They are accredited and treated

"there like foreign ministers."
It is clear therefore that in
other places they cannot enjoy
the privileges pertaining to
the latter.

Our own Riquelme
is still more explicit and in
accord with Keffter, Martens,
Ortolan and other authors of
note who have written upon
the subject. After asserting
that diplomats are "the agents
"for negotiations between States,
"and those who concert and
"preserve political relations,
"in accordance with treaties
and the principles of common law, he says: The first duty
"of consular officers is to claim of the local authorities compliance with the
Treaties "in favor of their countrymen,
"as well as those considerations
"which emanate from inter=
"national rights or of a just
"reciprocity. In case their
"complaints are not heeded,
"they should address their
"[redacted] to the Consulate
"General or to the legation,

but

"but they should never apply
"to the government of the State
"in which they reside, nor
"undertake negotiations with
"the local authorities in regard
"to the interpretation of treaties,
"nor upon any point of law,
"because it is of the exclusive
"competency of the government
"and not of subordinate function
="aries."

Perfectly in accord
with those principles is our
Consular jurisprudence. The
first attribution of our consuls-
"with relation to the local
"authorities of the country of
"their residence," is "to watch
"over the rights and interests of
"his nation, he should protect
"in his respective demarcation,
"the rights and interests of
"those Spaniards who can
"show that they are duly author
=ized to travel or to establish

"themselves abroad." The Regulations
of the 31st May 1870 so provide.
And how is that vigilance and
protection to be understood? Its
most ample form, with the
legal limits, we find in the
consular treaties between Spain
and the governments of
Portugal, Belgium, and the
North German Confederation,
dated respectively the 21st February,
19th March and 22nd April of
1870. The following is the Article
which defines them in three
treaties. "The Consuls General
"Consuls and Vice Consuls or
"consular agents can address the
"authorities of their district in
"complaint against every infrac-
"tion of the Treaties or Conventions
"existing between the two countries,
"and against any abuse of which
"their countrymen may complain.
"If their reclamations are not
"attended to by the authorities of

"the Consular district, or the
"decision should not prove satis=
"=factory, they can also appeal,
"in the absence of a diplomatic
"agent of their country, to the
"government of the State in
"which they reside.

There are besides, two precedents of considerable weight, which remove from this Island all action at all pretending to a diplomatic character - When in the month of May 1865 the confederate ram "Stonewall" anchored in this harbor, Rear Admiral Stribling, and Brig: General Newton, Commanding the district of Florida, demanded from the Captain General of this Island her delivery to them, basing their claims upon reasons of international law. General Dulce, in a letter, which was much applauded by the European press, and even

by the press of the United States, replied to this singular request in the following manner:

"You will permit me to "inform you, that communica "tions such as the one I now "reply to, are permitted only "between nation and nation, "through the conduct of their "legitimate representatives ad hoc, "and which you are not, nor am "I.

Some time previous; or in 1845, there arose a difference between the Captain General of the Island of Cuba and H. B. M.ª Consul, in Havana regarding the correspondence between the two authorities. It became important enough to bring about a formal agreement, entered into on the 4th November of that year between the Minister of State Don Francisco Martinez de la Rosa

and

and the English Ambassador
Sir Henry Lytton Bulwer,
in which it was agreed "that
"although the British Consul
(and consequently those of all
other nations) enjoys the full
power to demand due protection
for British subjects, and that
all the rights which affect
their commercial interests
should be duly attended to,
yet he cannot take upon
himself, in his communications
to the Captain General of the
Island of Cuba, the character
of H. B. M's representative
at Madrid, to whom alone
it corresponds, according to
diplomatic usage, to commu
nicate with Her Catholic
Majesty's Minister of State
with respect to the compliance
in general of the treaties
between the two nations.

From the foregoing

two things will be principally deduced.

First: that the action of consuls in all countries, is limited, in accordance to international law and the exceptions established by an agreement to the contrary, which does not and cannot exist between Spain and China. to watch over and urge the compliance of treaties, without in no wise pretending to discuss them; much less so in the Island of Cuba; and,

Second: ____ that this action is understood to refer only to the rights and interests of the country of each Consul, and not to those which appertain to subjects of foreign nations.

We well know that the collective petition is not prescribed by good diplomatic usages, but that it alone can

be used in cases which interest all nations and not one alone. Neither are we ignorant that it is a custom, universally admitted, to place on certain occasions the interests of one country in charge of the repre-sentative of another, but when this occurs, either it is done for a very short time, and in consequence of abnormal cir-cumstances, or the foreign agent is invested with the proper representation in due form. In other words: the same Consul can represent in the same place several nations, but it is not admissible that several consuls in one place should represent the same nation. And it is to this last end, opposed to law and custom that the request, which the New York papers attribute to the Govern-ment of the Celestial Empire,

tends.

For our own part we believe it very doubtful even in the case that the news is true, that the Government of the United States, the faithful observer of international law under the honored administration of Mr Hayes, will accede to a request, which, besides the nullity which would invalidate it's issue (for the exaguatur granted to American Consuls does not authorize their interrention in the affairs of their colleagues) would be humbling to the dignity of our nation. The Chinese Government has a perfect right to judge for itself what best suits the prestige of its own dignity but it is not credible that the Government of Spain, should ever recognize in that of any

other

other power, the privilege of interfering in affairs completely foreign to its jurisdiction, and peculiarly exclusive to our own and every country which may have treaties with us, nor is it possible to suppose that we would tolerate any criticism contrary to our national independence and humiliating to the sovereignty of our country.

The treaty between Spain and China, both independent nations, was celebrated without the intervention of any other power; therefore any mediation <u>á posteriori</u> which international law does not recognize, would not be justified; nor even such as <u>a priori</u> existed, by consent of both high contracting parties, and the Chinese Empire is well aware that

it does not require any-
foreign aid to prove the well
tried good faith of Spain
in the fulfillment of its
international obligations.

Mr Wood

File

No 768

U.S. Consulate General.
Havana, Jany 14th 1879.

RECEIVED DEPARTMENT OF STATE JAN 25 1879

ackd. Feb. 5

Mr Hall to the
Department of State.

The Chinamen in Cuba.

Transmitting the comments of the "Las Noredades" of New York, upon the subject of a telegram from Washington, published in the New York Herald of the 16th December 1878.

One inclosure.

No. 768. — U.S. Consulate General.

Havana, January 14th 1879.

Hon F. W. Seward

Assistant Secretary of State.

Washington.

Sir:

With reference to my dispatches Nos: 766 and 767 of the 4th and 8th instant, the latter accompanying a translation of an article, under the heading of "Chinese Laborers", which appeared recently in the "Diario" of this place, referring to a telegram published in the New York Herald of the 16th ultimo, I now transmit the comments of the "Las Novedades", a newspaper in the interest of Spain, published in New York city, merely as the complement of what I have seen published upon the subject referred to, without conceding to it any importance whatever.

Should the Government of China send Consuls to Cuba,

I imagine it will be for a benevolent purpose and I shall be very glad of the opportunity, should the Department so instruct me, to do anything I can, in the way of affording them such information or advice as they may ask for and which my experience here may enable me to give, without, even remotely, giving any just cause of offence to the local authorities.

I have the honor to be Sir,
very respectfully,
Your Obedient Servant.
Henry C. Hall
Consul General.

Inclosure
1. Slip, and translation, from the "Las Novedades" of New York of 18th December 1878.

Inclosure nº 1.-
With Dispatch nº 768.
Habana, January 14th 1879.

From the "Las Novedades" of
New York of 18th Dec. 1878.

Los chinos en Cuba.

Dicen de Washington al *Herald* lo que sigue:

"El tratado entre China y España respecto de la emigracion de chinos á la isla de Cuba, dispone la creacion de consulados chinos y el tratamiento que han de recibir los súbditos del imperio asiático residentes en la isla. Podrán salir de ella ó cambiar de localidad en la misma como les plazca, y tendrán derecho á que se les trate como á los súbditos de la misma clase de otras potencias más altas. Los que por sus contratas tengan derecho á que se les envie otra vez á China podrán reclamar el cumplimiento de esta cláusula: pero las contratas no cumplidas tendrán que serlo ántes. Serán puestos en libertad los chinos detenidos en los depósitos. Estarán abiertos para ellos los tribunales de la isla, en las mismas condiciones que para los súbditos ó ciudadanos de otras naciones.

"El príncide Kung envió una copia del tratado al ministro Seward, pidiéndole que nuestro gobierno (el norte-americano) diera instrucciones á sus empleados consulares de Cuba para que ayudaran á los que China enviara á la isla, en caso de suscitarse cuestiones referentes á los trabajadores chinos, con objeto de que no se faltara al cumplimiento de las cláusulas del convenio."

El tratado entre China y España se cumplirá por parte del gobierno español con la buena fé con que cumple todos los que tiene celebrados con las otras potencias de la tierra, de cuya buena fé tiene abundantísimas pruebas el gobierno norte-americano.

En cuanto á la peticion del príncipe Kung, en caso de ser cierta, nos parece que encierra un deseo muy frecuente en los norte-americanos de mezclarse en lo que no les importa, con el fin de dominar y de arreglar las casas ajenas. ¡Sería curioso que fueran en Cuba defensores sedicentes de los chinos, los que tanto y tan injustamente los maltratan en los Estados Unidos!

Translation-

"The Chinamen in Cuba.

The following is sent to the Herald from Washington.

"The treaty between China and
"Spain with regard to the —

'immigration of Chinese to Cuba
'provides particularly for the
'appointment of Chinese Consular
'officers in Cuba and the treatment
'to be accorded to Chinese subjects
'resident in that island. They
'can leave the island or travel
'within it at pleasure, and are
'entitled to 'the most favorable
'treatment accorded to the
'subjects of the same class of
'other higher Powers." Those
'entitled by contract to be sent
'back to China are entitled to
'claim the enforcements of
'their contracts; but contracts
"not fulfilled must be carried
'out. Chinese detained in
'labor depots will be released.
'The courts of the island are
'open to them, as to the subjects
'or citizens of other Powers.
'Prince Kung sent a
'copy of the treaty to Minister
'Seward, asking him to request

"our government to instruct
"its Consular officers in Cuba
"to assist the Consular officers
"which the Chinese government
"will send to reside in that island,
"in case questions affecting
"Chinese laborers shall arise, to
"the end that there may be
"no failure to carry out the
"provisions of the convention."

The treaty between China and Spain will be carried out, by the Spanish government with the good faith with which it carries out all treaties with the other powers of the earth and of which good faith the North American government has the most abundant proofs.

In regard to the request of Prince Kung, in case it is true, it appears to us to embrace a desire, very frequent among North Americans, to meddle with what does not

concern them, with the purpose of controlling and arranging other peoples affairs. It would be singular were those, who maltreat Chinamen in the United States, so much and so unjustly should become their <u>soi-disant</u> defenders in Cuba.

What are these taxes for & on what is Mr Jarvis's comparison. Wood

√ Report of Consular Bureau Feb 7, 79. / Instruction to Mr Lowell May 1, 1879 Mr Bess. / Wood

No 769. — U. S. Consulate General.

Havana, January 14th 1879.

DEPARTMENT OF S.
JAN
25
1879
RECEIVED

asked Feb. 6

Mr Hall, to the

Department of State.

Extraordinary taxes.

The 2 2½ per cent tax hitherto paid by foreigners in Cuba is increased to 25 per cent from the 1st January 1879.

No 769 — U. S. Consulate General.

Havana, January 14th 1879.

Hon F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

Your instruction No 456 of 5th April 1878, upon the subject of extra=ordinary taxes and especially the 2½ per cent tax imposed upon foreigners in Cuba, contains the following paragraph.

"The recent civil disturbances in "Cuba, now happily ended, may be "supposed to have given rise to the "necessity for their exaction; now that "the occasion for such taxes has been "removed by the cessation of hostil=-"ities and the restoration of peace, "it may be reasonably hoped that "the imposition and collection of "such extraordinary taxes will also "soon come to an end."

With my dispatch No 756 of the 27th November 1878 I transmitted the official estimates

of the revenues and expenses of the Government of Cuba for the current year, accompanying a Decree of the Governor General, which among other measures reduces the direct tax of 30 per cent, then paid by Spanish subjects, to 25 per cent - styling it, for the future, an 'ordinary tax.' With reference to the subject, I stated in that communication, the following:

"The present direct tax of "30 per cent is to be reduced to 25 "per cent and although more than "the half of the revenues, not "including the lotteries, are destined "to war purposes, it is to be styled "an ordinary and not an extra- "=ordinary tax as heretofore: "this change of name leads to "the belief that it is the intention "of the Government to collect the "tax of foreigners who now pay "22½ per cent of which one sixth "can be paid in Spanish Bank

paper

"papers at its nominal value, "while really worth fifty per "cent less than gold."

I stated also in my dispatch referred to, that the belief was then general that the Decree would undergo some modification before any attempt would be made to enforce it. This expectation has not, thus far, been realized; on the contrary, I have been informed by the Director General of Finance that the tax will be exacted alike of Spanish subjects and of all foreigners, without distinction of nationalities, and that there is no existing agreement with any foreign Government to prevent it. The regulations, for assessing and collecting the tax, have also been published in the "Gaceta Oficial" of the 14th and 15th ultimo. As the matter now stands, foreigners who paid 2½ per cent tax during

the year 1878, will pay 25 percent during the year 1879.

Thus, it appears that the termination of the civil strife in Cuba brings with it no amelioration of the burdens of taxation, the subject of so much just complaint on the part of foreign governments during the past five years.

In view of the agreement of the 28th May 1877, between Spain and Germany reducting the 30 per cent tax to 22 1/2 per cent for German subjects, extended subsequently to the subjects and citizens of other powers, it is not to be expected that they will submit without protest to the present arrangement for increased taxation. A copy of this agreement was forwarded with my Dispatch No 680 of April 2nd 1878: a copy of the Governor General's Decree, based thereon, accompanied my dispatch No 690 of the 26th of the same month; to which I respectfully invite your reference.

I

I have the honor to be Sir,

Very respectfully,

Your Obedient Servant.

Henry C Hall

Consul General.

Consular Bureau.
February 7th. 1879.

Subject.

Extraordinary Taxes levied by the Spanish Government.

In 1873, in lieu of several extraordinary taxes for different purposes, the Spanish Government imposed a consolidated tax of 30 per cent on the net income of all persons, whether Spanish subjects or Foreigners, who were residing in Cuba, to provide a revenue to defray the expenses of the war, and expressly termed "impuesto extraordinario de guerra". The German Government at once claimed exemption from the operation of this tax in favor of its subjects, on the ground that such taxes were prohibited by an article in a treaty between the two Governments, wherein it was agreed that the subjects of the one, residing in the Dominions

of

of the other, shall reciprocally be exempted from all extraordinary taxes. Other Foreign Governments claimed a like exemption under the "most favored nation clause" in their Treaties, and the United States claimed exemption as equity. The subject was warmly debated, the German Government insisting upon its point, and the Spanish Government resisting it; but the negotiations resulted in a remission of the tax as applied to Germans. The Spanish Government, however, immediately levied a new tax, which was called a regular or ordinary tax, of 30 per cent on all residents of Cuba, including Germans. The German Government again protested against the collection of this tax, which, although called by a new name, was really the old war subsidy, a portion at least being appropriated for that purpose, but through the strenuous opposition of Spain, the

demand

demand was gradually abated, until, as a compromise, the remission of one quarter part of the amount of the tax in favor of Germans in Cuba, was accepted by both Governments, and this concession was subsequently extended to all other Governments, so that the tax was reduced from 30 per cent to 22½ per cent.

Pending these negotiations between Germany and Spain, the other Governments, interested in the question, withheld payment of any part of the tax, until a result should be reached, and they are still held liable by Spain for the full amount of the tax at the rate of 30 per cent from the date of its imposition, to the date of the remission of one quarter part in favor of Germany, which was subsequently made to include all Nations. These are now known as "arrears of extraordinary taxes."

Mr. Hall, in his despatch No. 769, of the 14th ultimo, (herewith) states that this tax of 30 per cent, as levied on the natives of Cuba for 1878, has been

been reduced to 25 per cent for 1879; and that all Foreigners have been placed on the same footing with the natives. The effect of this action on the part of the Spanish Government, is obviously to reduce the tax as applied to subjects of Spain, and increase it as applied to Foreigners, inasmuch as where subjects and citizens of other Governments have been paying 22½ per cent, they will now have to pay 25 per cent, unless the old reduction of one quarter part of the amount in their favor, be applicable to the new tax.

It is suggested that Mr. Lowell's attention be invited to this new phase of the subject, with a view to ascertaining what action other Governments, and especially Germany will take in the premises.

A. B. Wood.

Mr Fowell
Mr Lowell
Substance communicated to Mr Lowell per 31. 1879 Mr Blood.

Dulwood

Ackgd. Feb. 5

DEPARTMENT OF S.
JAN
25
1879
RECEIVED

No 770

U. S. Consulate General.

Havana, January 17th 1879.

Mr Hall to the

Department of State.

Arrears of extraordinary taxes.

Acknowledging the receipt of instructions Nos 485 and 486 of the 6th instant, the former accompanying a copy of a dispatch from Mr Fowell, Minister of the United States at Madrid, in relation to the arrears of the abolished extraordinary taxes of 5. 10 & 15 per cent, claimed of citizens of the United States in Cuba.

No. 770. U.S. Consulate General.

Havana, January 17th 1879.

Hon J. W. Seward

Assistant Secretary of State.

Washington

Sir:

I have to acknowledge the receipt of your instructions Nos 485 and 486 - both of the 6th instant, the former accompanying a copy of a dispatch, dated 13th November ultimo, from Mr. Lowell, Minister of the United States at Madrid, in relation to the arrears of the abolished 5, 10 & 15 per cent extraordinary taxes claimed of citizens of the United States in Cuba, and from which arrears German

subjects are exempt.

Mr Lowell refers to an interview with the Minister of Foreign Affairs of Spain, in which the latter said unofficially, that if the Consul General of the United States at Havana, would furnish evidence of any cases of exceptional hardship, arising out of the collection of these taxes, he would on presentation use all his influence with the Minister of Ultramar to have such taxes remitted in such special cases.

In pursuance of this suggestion I am instructed to furnish the Department with an explicit statement of the

cases

cases adverted to, to the end, that a decision may be reached as to whether to make them the subject of a special appeal to the Spanish Government.

At present I am not prepared to furnish the statement referred to; as I have not had occasion, heretofore, to keep a list of the numerous complainants who have applied to me for my good offices with the authorities in obtaining relief from the exactions of tax collectors: I will, however, with as little delay as possible, comply with the instruction.

I have now to state, with reference to the communication

from the General Direction of
Finance, dated 28th August ultimo,
transmitted with Mr Williams'
dispatch N° 728, and to the
inclosure with dispatch N° 731.
of the 4th September ultimo, that
soon after my return from the
United States, during the latter
month, I called on that officer
and obtained from him another
suspension of the collection
from American citizens of the
referred to arrears, and, for the
last two months, I have heard
no complaint in regard to
attempts to enforce those exactions.
The suspension, however, is but
a temporary measure of the
Director General, which without

doubt will be respected while he remains in office but subject to revocation should another be appointed to his position.

I have the honor to be Sir,

very respectfully

Your Obedient Servant

Henry C. Hall

Consul General.

Dulwood

DEPARTMENT OF STATE
JAN 25 1979
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No 771.

U. S. Consulate General.
Havana, January 17th 1879.

Mr. Hall, to the
Department of State.

ackgd. Feb. 5

Transmitting a copy of a letter addressed to the Fifth Auditor in regard to three seamen discharged in this port from the "Lulu Ammermann", and recommending that the extra wages collected for account of the United States be returned to the owners of the vessel.

No 771 — U.S. Consulate General.

Havana, January 17th 1879.

Hon J.W. Seward

Assistant Secretary of State.

Washington.

Sir:

I transmit herewith an extract from a letter, dated the 13th instant, addressed by me to the Fifth Auditor, in relation to the extra wages of three seamen, collected for account of the United States of the Schooner Lulu Ammermann, discharged from that vessel in this port during the past quarter.

These seamen stated that they shipped at New Orleans with the understanding that the vessel should return to that port, where these families reside, or to one of the ports of the Gulf States. While in this port, the master, under whom they shipped, was removed and another appointed, and the vessel, being found in need of

thorough repairs, was ordered to
New York, thus deviating from
the voyage contemplated when
the men were shipped. But, while I
had every reason to believe the state =
=ment of the seamen to be true, there
was no condition to support it expressed
in the shipping articles: if there had been
I should have considered myself author=
=ized to discharge them under Section
4583 of the Revised Statutes.

The extra wages amounting to $88.-
were paid by the master, with the
understanding that I should refer
the case to the Department and
recommend that the wages be
refunded to the owners of the
vessel if found.

The "Julie Ammermann" is
the vessel referred to in my dispatch=
=es Nos 750 and 751 of the 13th and
15 November 1878.

I am Sir, very respectfully
Your Obedient Servant.
Nimy C Hall

Inclosure No 1. ——
With Dispatch No 771 —
Havana, January 17th 1879

Extract

U. S. Consulate General
Havana, January 13th 1879

To the
Fifth Auditor of the Treasury
Washington.

Sir:

× × × ×

The seamen Charles Coon, F. W. Schlichting, Edward Marshall, and John McGinnis, waived the usual two months extra wages upon their discharge, in consideration of said discharge and passage paid back to the United States

I beg to call your particular attention to the case of the three seamen last named, discharged from the Schr "Lulu Ammermann". These men were shipped in

New Orleans, with the understanding, that the vessel would return to that port where their families reside, or to some other port in the Gulf States. Upon arrival of the vessel here, the then master was removed from command by the owners; a new master was appointed and the vessel being found to be in need of repairs, was ordered to proceed to New York; the men were unprovided with suitable clothing for the voyage to a Northern port, and claimed their discharge under the assurance given them by the master with whom they shipped.

Upon referring to the shipping articles, I found no such agreement specified, still I did not doubt the assertion of the men, confirmed as it was by the former master who had not yet left the place. Had there been such a provision in

the shipping contract, I should have considered myself authorized to discharge the men without exacting the one month's extra wages for the United States, as provided by Section 4583 of the Revised Statutes - As it was, I did not consider myself authorized, either to waive the one month's wages, nor to compel the seamen to continue the voyage, nor did the new master desire to take the men with him, under the circumstances of the case referred to: it was therefore agreed that one months' extra wages for each of the seamen discharged, should be paid to the Consulate - the seamen waiving their two months' extra wages each, and that I should refer the case to the Department and recommend that the sum of _____ $88-
as above paid, should be returned to the owners of the vessel upon due application.

I am,

I am, Sir, very respectfully
Your obedient servant
(signed) Henry C. Hall
Consul General.

Mr Wood

No 772 U.S. Consulate General.

DEPARTMENT OF STATE
JAN
27
1879
RECEIVED

Havana, Jan'y 20th 1879.

Mr Hall, to the

Department of State.

The Consular Regulations.

In answer to the Depart-
-ments' circular, of 6th November
1878, asking for suggestions in
regard to revisions and changes
in the Consular Regulations;
and submitting changes in
three of the present forms
for returns.

No 772.— U. S. Consulate General.

Havana, January 20th 1879.

Hon: J. W. Seward

Assistant Secretary of State.

Washington.

Sir:

Referring to the Depar=tment's circular, of the 6th November 1878, I beg leave to transmit herewith the following substitutes for three of the forms, now in use:

No 103.— Quarterly statement of fees received from vessels.

No 120.— Quarterly return of the arrival and departure of American vessels.

No 124.— Detailed list of seamen shipped, discharged &c.

Two of the forms submitted will be found of more convenient size than those now in use, while they contain all that is required for exhibiting the returns in sufficient detail: the books now in use can also be adapted to these forms.

I also submit a new form intended to show, at a glance, the business transactions of any consulate during a quarter, which I doubt not the Department will find convenient for reference.

I beg further to suggest that the following forms.

forms be abolished:

No. 94.—— Statement of cases of relief afforded to American Seamen:

No 99.—— Return of extra wages.

Returns in accordance with these forms are mere repetitions of what should be expressed in form No 100 and in the letter to the Fifth Auditor accompanying the quarterly accounts and returns relating to seamen.

I have the honor to be Sirs.

very respectfully,

Your Obedient Servant.

Henry Cotall

Consul General.

Inclosures.

Inclosures.-

Forms as above.

Mr Hood

No 773. U.S. Consulate General
Havana, January 22 1879.

DEPARTMENT OF S
JAN
27
1879
RECEIVED

Ackgd. Jan. 5

Mr Hall to the
Department of State.

Accompanying a package containing certificates of registered stock of the United States, addressed to Messrs Grinnell Minturn & Co of New York City.

Package sent to G. M & Co. New York. in Misc. Mail

No 773.— U.S. Consulate General
Havana, January 22 1879.

Hon J.W. Seward
Assistant Secretary of State.
Washington

Sir:

At the request of Mr Antonio del Valle Hernandez and Mrs Emilia Molina de Villacampa I transmit herewith a package containing certificates of registered stock of the United States, addressed to Messrs Grinnell Minturn & Co, which I will thank you to have retained to their order.

I have assumed no responsibility in regard to this package, having merely acceded to the request of the owners of the certificates, to remit it through the Department's pouch as they are not willing to entrust it to the Havana post office.

I am Sir, very respectfully
Your Obedient Servant
Henry Hall
Consul General

Ack & file

Dr Wood

No. 774. U.S. Consulate General

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

Habana, Jany. 31st 1879.

Mr Hall, to the

asked for Jany 12

Department of State

Departure of General Martinez de Campos.

Transmitting the announcement published in the "Diario de la Marina" of this date, of the departure of Governor General Martinez de Campos.

One inclosure -

No 774. U.S. Consulate General

Habana, January 31st 1879.

Hon F. W. Seward.

Assistant Secretary of State.

Washington -

Sir:

For a month or more, rumors have been in circulation that Governor General Martinez de Campos would soon return to Spain with the object of occupy=ing a position in the Cabinet of Madrid. Little importance was given to these rumors for it was and is generally understood that the agreement with the insurgent chiefs, at the time of their surrender, was that he should remain long enough to establish the adminis=trative and other reforms so long promised but which, owing to adventitious circumstances, have not been carried out. The report, therefore, coming direct

from the palace yesterday, that he had been called by a telegram from the King himself, caused considerable excitement and, as an immediate consequence, a rise in gold of ten per cent: there eras, however, a subsegnent decline when it was announced that his absence would be tempo= =rary, only, and that it related solely to the economic situation of the Island and to the interests of all its inhabitants.

Under ordinary circum= stances the recall of a Governor General is an event of little importance, but in the present state of affairs here and the reports of expected trouble in Spain, it has caused a great deal of uneasiness.

The object of his recall, is also stated, in the "Diario" of today, to be connected with the economic situation of the

island

island and its relation with the same situation in Spain.

As regards the Island its economic situation could hardly be much worse: the government is without the necessary credit to raise money by loans; taxation is therefore its only resource; large sums, many millions, arising from the late insurrection are still unpaid; there appears to be a necessity for still retaining here large military and naval forces, disproportionate to the population of the island, as well as to its revenues, even under prosperous conditions; while the enormous taxes to which these inhabitants have been subjected, during the past five or six years, have created very great dissatisfaction among all classes who have had to pay them, or who feel their effects in the greatly

increased expenses of living; to these heavy burdens must be added the short crops of 1878 and the abnormally low prices for the products of the island in its only remaining market — the United States; as an unavoidable consequence the island must become, year by year, more and more impoverished, to the extent of making it impossible for planters and others to support the enormous taxes, to which they have been so long subjected, and production must decline because it is no longer remunerative; all these misfortunes are foreseen and discussed, despondingly, by the more intelligent inhabitants, Cubans as well as Spaniards.

Under all these circumstances, it is not surprising that General Martinez de Campos' short administration should

not

have been a complete success;
more has been expected of him
than of any of his predecessors
of the past ten years; but he
could not, no more than they,
accomplish impossibilities. —
He could not make his admin=
=istracion popular while —
exacting of the people, in many
instances, taxes greater than
their incomes; he could not
establish the credit of his
government where faith has
not always been kept, nor
could he reconcile, except in
outward appearance, antagon=
=istic popular elements where
exist only opposing interests
and aspirations.

I have the honor to be, Sir,
very respectfully,
Your Obedient Servant

Henry C Hall
Consul General.

Inclosure

Inclosure.

1.—— Slip from the "Diario de la Marina" of 31st January 1879, with translation.

Inclosure Nº 1. —
With Dispatch Nº 474.
Havana, January 31.st 1879.

Departure of General Martinez de Campos.

Diario de la Marina of 31st Jany 1879.

Partida.

Nuestra querida Primera Autoridad, el Excmo. Sr. Gobernador Capitan General de la Isla, D. Arsenio Martinez de Campos, debe embarcarse con direccion á Cádiz en el vapor-correo que saldrá de este puerto el dia 5 del próximo febrero, á fin de conferenciar con el Gobierno de S. M. sobre los importantísimos asuntos pendientes todavía, relativos principalmente á la solucion definitiva de la cuestion económica, en la cual se presentan algunas dificultades, por la relacion que la une á las modificaciones que necesariamente exije en su enlace con la del mismo género en la Península.

Seguros estamos de que el ilustre gobernante allanará satisfactoriamente todos los obstáculos, y que de este modo se plantearán con más prontitud cuantas mejoras propendan á beneficiar los intereses generales del pais con el menor sacrificio posible para los contribuyentes, circunstancia esencial cuando acaban de atravesar un período tan largo de destructora guerra.

S. E. regresará á esta isla tan pronto como termine su patriótica mision; y deja entre nosotros á su distinguida señora y tiernos hijos, quienes recibirán de toda la poblacion de la Habana incesante testimonio de las profundas simpatías que inspiran y del sincero cariño que les profesamos, mitigando de este modo la honda pena que habrá de causarles esa momentánea separacion.

Translation. —

Our esteemed Chief Authority, His Excellency — Governor and Captain General Dn Arsenio Martinez de Campos; will sail for Cadiz on the mail steamer which will leave this port on the 5th Febrary proximo with the

view of having a conference with the Government of H.M. in regard to matters of the highest importance still pending relating, principally, to the definitive solution of the economic question, in which some difficulties have presented themselves on account of the relation which exists between itself and the modifications which necessarily connect it with the question of the same nature, in the Peninsula.

We are sure that the illustrious Governor will overcome satisfactorily all obstacles and that in this way will be established, promptly, all ameliorations proposending to the benefit of the general interests of the country with the least possible sacrifice for contributors,

an essential circumstance
after they have just passed
through a long period of
destructive war.

His Excellency will
return to this Island as soon
as his patriotic mission
terminates; he leaves with
us his distinguished lady
and young children, who
will receive from the entire
population of Havana
continual proofs of the
profound sympathies they
inspire and of the sincere
affection which we profess
towards them, and in this
way mitigating the great
pain which that momentary
separation will cause.

Mr Wood

No 775. — U. S. Consulate General.

Habana, Jan'y 31st 1879.

Mr Hall to the

Department of State.

acknd. Feby 12

Acknowledging the receipt of the Department's circular No 11 of the 3d, and instructions Nos 487 to 490 both inclusive of the 20th and 491 of the 22d January 1879.

No 775 — U.S. Consulate General.

Havana, January 31st 1879.

Hon J. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's Circular No 11 of the 3d instant and of your instructions Nos 487, 488, 489 and 490 of the 20th and 491 of the 22 instant, all of which will receive my careful attention.

I am Sir, very respectfully

Your Obedient Servant.

Henry C. Hall

Consul General.

Ack. & file

Wood

No 776. U.S. Consulate General
Habana, Jany. 31st 1879.

DEPARTMENT OF STATE
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6
1879
RECEIVED

No 16 Hall to the
Ackgd. Feb. 12 Department of State.

Consular Agencies of Remedios and Nueritas

In answer to instruction No. 487, asking the writer for his opinion in regard to placing the consular agencies of Remedios and Nueritas under the jurisdiction of Sagua la Grande.

N° 776. U.S. Consulate General.
Habana, January 31st 1879.

Hon J. W Seward.
Assistant Secretary of State.
Washington

Sir:

Referring to your instruction, N° 487 of the 20th instant, accompanying a copy of a dispatch, from the newly appointed Commercial Agent at Sagua la Grande, in regard to placing the Consular Agencies of Remedios and Nuevitas under his jurisdiction, and requesting an expression of my opinion on the subject, I beg leave to state, in reply, with respect to Remedios, that as long as it remains a Consular Agency, there can be no object, or benefit to the public service, in placing it under the jurisdiction of another office.

I consider it would be much better to raise the office to a Commercial Agency, the De=
=partment making its own appointment, and this I would most decidedly recom=
=mend should be done at every port in the Island where there is now an agency of sufficient importance.

When first established, the agency at Remedios was located in the town of that name which is situated about ten miles from the coast. Some fifteen years ago the office was removed to the port, ——
— Caibarien, where it is now located but still continuing to be styled the agency of Remedios: during the last four years the business of the office has fallen off.— owing to the insurrectionary movements in its vecinity: with the return of peace

it

it is quite probable there will be a revival of business, enough sufficient, without doubt, to warrant the appointment of a Commercial Agent.

As regards Nuevitas, I beg to say that there is no direct communication between it and Sagua la Grande; the latter is connected with Havana by rail and an occasional steamer. Communication between Havana and Nuevitas is by steamer about once a week, but these steamers do not stop at any intermediate port. Should peace be maintained in that section, Nuevitas may become of more commercial importance than at present. I would then recommend its being made an independent office.

All matters connected with the Consular agencies,

requiring reference to the Central Authorities of the island, have to be communicated to this Consulate General, and in very many instances, where the matter requires prompt attention, it is reported direct from the agency without the previous reference to the Consulate upon which it depends: the jurisdiction is therefore merely nominal: the consular agencies are quite as much or even more the dependencies of the Consulate General than of the consulates to which they are respectively assigned.

I will further add that this Consulate General, while responsible for the official acts of the agents at Remedios and Nuevitas, receives no income from either office: on the other hand those dependencies have given it, first and last, a

great deal of trouble, arising, in most cases, from the disturbed state of the districts in which they are situated.

I have the honor to be, Sir,

very respectfully,

Your Obedient Servant.

Henry C. Hall

Consul General

note to Span. Minister
Fel. 24. 79
Mr Blords.

Mr Wood.

No 777 U.S. Consulate General.

Habana, January 31st 1879.

DEPT OF STATE
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1879
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Mr Hall, to the

ackgd. Feby 12

Department of State.

Commercial Agencies of Cardenas and Sagua la Grande.

In answer to the Department's instruction Nos 489 and 490 of 20th January 1879- advising the appointment of Mr Thomas G. Wilson as Commercial Agent at Cárdenas and of Mr Joseph J. Swords as Commercial Agent at Sagua la Grande.

No 777. U.S. Consulate General.

Havana, January 31st 1879.

Hon F. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

With reference to your instructions, Nos: 489 and 490 of the 20th instant, advising the appointment of Mr. Thomas J. Wilson to be commercial agent of the United States at Cardenas, and Mr Joseph J. Swords to the same office at Sagua la Grande, I have to inform the Department that upon receipt of the instructions referred to I

addressed separate communica-
tions to the Governor General
of this Island, asking for
the temporary recognition of
those officers and for permission
for them to enter upon their
official duties, at their respect-
ive posts, pending their full
recognition by the Government
of Spain. The result, —
which I doubt not will be
favorable, will be communica-
ted to the Department as
soon as it shall have been
received.

I am Sir, very respectfully,
Your Obedient Servant
Henry C Hall
Consul General.

Mr Wood

DEPARTMENT OF S.
FEB
6
1879
RECEIVED

No 778 U.S. Consulate General

Havana, Jany 31st 1879.

Mr Hall, to the

ackgd Feby 12 Department of State.

Accompanying a package containing certificates of registered stock of the United States addressed to Messrs Moses Taylor & Co of New York City.

No. 778. U.S. Consulate General.

Havana, January 31st 1879.

Hon J. W. Seward

Assistant Secretary of State.

Washington

Sir:

By request of Mr. José Toribio de Arazoza, of this city, I transmit herewith a package, containing certificates of registered stock of the United States, addressed to Messrs Moses Taylor & Company of New York City which I will thank you to have retained to their order.

No responsibility has

been assumed by me in regard to this package, I have acceded to the request of the owner, to forward it in this way, as he conceives that it will go with more certainty than if remitted through the local Post office, and that proof can be more readily obtained, if required, in case of loss.

I am Sir, very respectfully

Your Obedient Servant

Henry C. Hall

Comml Agent

Package of stock certificates as above.

J Telegram to Mr Hall Feb. 17. 1879

Instruction to Mr Hall March 4th

Wood

No 779. U.S. Consulate General.

Habana, February 5th 1879.

DEPARTMENT OF S. FEB 13 1879 RECEIVED

Mr Hall, to the

ackgd. Feb. 28 Department of State.

Case of Mr Manuel José de Rojas.

Accompanying a copy of a communication addressed to Mr Rojas, by the Secretary of the General Government, informing him that orders have been given for the restoration of his plantation upon certain conditions, not exacted in the restoration of his other properties and against which the Department has repeatedly remonstrated as inadmissible.

---

2 Inclosures.

N°779. — U.S. Consulate General.
Habana, February 5th 1879.

Hon J.W. Seward.
Assistant Secretary of State.
Washington

Sir:

Recurring to your instruction N° 488, of the 20th ultimo, and to other correspondence in regard to the restoration of the remaining property of Manuel José de Rojas, still withheld from him by this Government, I have now to transmit a copy and translation of an official letter dated the 4th instant, from the Secretary General to Mr Rojas, informing him that orders are given to the General Direction of Finance, to restore to him his plantation the "San Rafael", with the understanding that such restoration

2/ is subject to the terms of the 5th Article of the Royal decree of the 20th October 1877 and to the Edict of 24th March 1878; thus imposing upon Mr Rojas the very same conditions which the Department has repeatedly declared to be inadmissible; which were formally renounced by the Government of General Jorellan in the letter of his Secretary of the 26th April 1878, transcribed by his order to the General Direction of Finance on the 10th May 1878 and by the latter to the attorney of Mr Rojas on the 22d of the same month. This order for unconditional restoration was moreover repeated by the General Direction of Finance to the Collectors of revenues at Santa Clara, Moron and Remedios on the 28th

See Dispatch No 689 of 26th April, and No 702 of 24th May 1878.

of

of September 1878, and in virtue of the same order all the properties of Rojas, except the plantation "San Rafael" have been restored to him, unconditionally.

See Dispatch No 740 of 1st October 1878.

But the order of the Government of Spain of 7th November 1873, the order of General Jovellar of 26th April 1878, and the orders of the General Direction of Finance of 28th September ultimo, given by the subordi=nates of General Martinez de Campos himself, are now completely ignored and Mr Rojas is called upon to submit to conditions incompatible with his Amer=ican citizenship, and as humiliating as they are unjust: Under Article 5th of the Royal decree of 20th October, he must renounce

all claims to the products of his estate, and all claims for the damages and injuries which he has sustained, during the nine years the Government has had possession of it and receiving meanwhile all the products and rents, amounting to many thousands of dollars. He is further called upon to consider himself a pardoned offender and that it is in virtue of this pardon that his property is to be restored.

That these conditions were known, to this Government, to be inadmissible there can be no doubt; neither can there be any doubt that they have been imposed with no other object than to make Mr. Rojas' acceptance of his plantation, impossible.

It is to be observed

that the communication
of the Secretary contains
no allusion to any decision
of the "Council of Adminis-
-tration" to which, as commu-
-nicated to me by that officer
on the 14th December ultimo,
and
announced to the Depart-
-ment by the Cable the same
day, the case was to be submit-
-ted; neither is any reference
made to the "extension of the
lease" upon which, possession
of the plantation is still
claimed by the present
holders and which was
the only objection, to its
surrender, alleged in the
communication of the Spanish
"Chargé d'affaires of 6th
September 1878; the absence
of any allusion to the so-
called-lease suggests the
inference that this Government
has renounced its pretensions

in that respect.

I have the honor to be Sir,
very respectfully,
Your Obedient Servant.

Aury C. Hall
Consul General.

Inclosures.

1- The Secretary General to Manuel José de Rojas. Feb'ry 4th 1879.

2- Translation of the 5th Article of the Royal decree of 20th Oct. 1877. and of the Edict of March 24th 1878.

Inclosure nº 1.
With Dispatch nº 779.
Havana, February 5th 1879.

Translation.-

General Government of the Island of Cuba.- Secretary's office.
Political.

Under this date, and by disposition of His Excellency the Governor General, opportune orders are given to the "General Direction of Finance" that it may dispose at once, the immediate restoration to you of the plantation San Rafael, situate in the jurisdiction of Remedios, this restoration being understood to be subject to the 5th article of the Royal decree of the 20th October 1877 and yourself as comprised in the Edict of pardon issued by His Excellency the Captain General, Chief of the

army of operations, under
date of 24th March 1878.

God preserve you many years

Habana, February 4th 1879

R. Galbis.

Sr D. José Manuel de Rojas
Calle de Samaritana Nº 15.

Copy.—

Gobierno General de la Isla de Cuba.—

Secretaria.

Politica.

Con esta fecha y por acuerdo del Exmo Sr. Gobernador General se dán las órdenes oportunas a la Direccion General de Hacienda para que desde luego disponga la devolucion inmediata á V. del ingenio "San Rafael" sito en la jurisdiccion de Remedios, entendiendose ésta con sujecion al articulo 5º del Real Decreto de 20 de Octubre de 1877, y como comprendido en el Bando de indulto expedido por el Exmo Sr. Capitan General Jefe de Ejercito de operaciones con fecha 24 de Marzo de 1878.

Dios gue á V. m. a.

Habana, Febrero 4 de 1879.

R. Galbis.

Sr. Don José Manuel de Rojas
Calle de Samaritana Nº 15.

Inclosure N°2.
With Dispatch n°779.
Havana Febuary 5th 1879.

Conditions demanded of Manuel José de Rojas in the restoration of his plantation 'San Rafael', referred to in a communication addressed to him by the Secretary of the General Government and dated 4th Febuary 1879— See accompanying inclosure N°1.

Article 5th of the Royal decree of the 20th October 1877.

a copy of this decree was forwarded with Dispatch N°624 of 25 October 1877.

" The products of these properties,
" previous to restoration, shall be consi=
=dered as having been applied to
" war expenses and the owners with=
=out right to indemnification of
" any kind. Neither can indemni=
=fication be claimed for any
" destruction or damage that the
" said properties may have
" suffered. "

Edict=

Edict of 24th March 1878.

Forwarded with Despatch No 691 / 29 April 1878

× × × ×

× × × ×

Article 1.—

The authorities of the pacified territory will observe and will make to be observed by all in their respective jurisdictions, for legal effect, the most complete oblivion of past events which may resuscitate passions, fortunately, extinguished.

Article 2nd— All persons under penalties for crimes of disloyalty (infidencia) in its own acceptation, rebellion, sedition and the like, and those who may have escaped the punishment imposed for the said crimes, shall at once be set at liberty and restored to their homes if they so desire.

Article 3.— Proceedings, (Causes)

(causes) pending, initiated for the said crimes, shall be closed, in whatever state they may be and liberty decreed to the accused.

Article 4to. Those who for the same crimes are in exile or deported, can return to their homes assured of not being persecuted nor molested for their past conduct or acts.

Article 5to. Those comprised in the preceding dispositions as well as the others who may continue to reside abroad, if they shall in any way express their wish to accept them, shall recover the use of their rights of citizenship.

Article 6to. In consonance with Article 1st of the Edict of 23d March of the past year,

the deserters from our ranks, of whatsoever nativity, which still remain in the enemy's camp, and who may present themselves upto the 15th of next month, (April) shall be pardon-ed of their crimes and only obliged to extinguish the time of their enlistment, to which they will also be credited the time they may have served before desertion.

Santiago de Cuba 24th March 1878.

Arsenio Martinez de Campos.

Mr Wood

ackgd. Feb. 28

DEPARTMENT OF S.
FEB
15
1879
RECEIVED

No 780.

U S Consulate General
Havana February 6 1879

Mr Hall, to the
Department of State

Transmitting accounts for Extra Clerk Hire, and Miscellaneous Expenses paid during 4th quarter of 1878.

No 780

U.S. Consulate General
Havana February 6 1879

Hon: F.W. Seward,
Assistant Secretary of State,
Washington.

Sir:

I transmit herewith the following accounts for extra clerk hire and miscellaneous expenses at this Consulate, during the quarter ended Decr 31 1878:-

Enclosure no 1: Account for extra clerk

1/ hire; paid L.V. Schmidt $375.
" José Calvo .90 " 375

" " 2: account for mis-

2/ cellaneous expenses: viz:

Rent	$	300-
Stationery & printing	"	9.65
Postage &c	"	86.85
Boat Hire	"	77.25
Carry over	$	473.75 " 375

———	Brot over	℔	473.75 . 375
Subs; to Havana papers		"	27.
Telegrams		"	23.46
Repair of seals		"	5.50 . 529.71
			℔ 904.71

The above amounts have been debited to the U.S. in my account current for Salary & Fees, for 4th quarter of 1878, and I trust will be found in order.

I am, Sir,

Very respectfully

Your Obedient Servant,

Henry C. Hall

Consul General

2 inclosures

Not to go in mine Feb. 24. 79 Mr Bland. Compld

Wadee

No 781

U.S. Consulate General
Havana, February 14th 1879.

DEPARTMENT OF STATE
FEB 20 1879
RECEIVED

Mr Hall, to the
Department of State.

Commercial agency of Cardenas.

The writer has been informed, that information in regard to the newly appointed Commercial Agent for the above place, has been solicited of the Spanish Legation at Washington.

One inclosure.

N° 781. U. S. Consulate General
Havana Feby: 14th 1879.

Hon J. W. Seward
Assistant Secretary of State.
Washington.

Sir:

With reference to your instruction N° 489 of the 20th, and my acknowledgment N° 777 of the 31st ultimo, I have now to inform you that I called today on the Secretary General to inquire, in regard to the temporary recognition of Mr Thomas F. Wilson, in his character of commercial agent at Cardenas, and was told that the matter had been referred to the Spanish Minister at Washington for his report in regard to the antecedents of that gentleman.

With the view of avoiding delay in obtaining Mr Wilson's authorization to enter upon his official duties, I respectfully

suggest that the Department would advise the Minister of Spain of the appointment — referred to, and request that its wishes, in regard to Mr Wilson's temporary recognition be commu= =nicated, with as little delay as possible, to the superior authorities of this Island.

I beg also to suggest that the Minister of Spain be advised in regard to the appoint= =ment of Mr Swords as Commercial agent at Sagua la Grande.

Mr Wilson arrived on the 8th instant and is now in Cardenas. I transmit herewith a copy of my communication of the 27th ultimo asking for his temporary recognition.

I am Sir, very respectfully
Your Obedient Servant.

Henry C. Hall
Consul General

Enclosure.
1 — Mr Hall to the Governor General
January 27. 1879.

Inclosure Nº 1.

With Dispatch Nº 781.

Habana, February 14th 1879.

Copy.

Consulate General of the United States of America. Habana.

To His Excellency,

The Governor General.

&c &c &c.

Excellency:

Habana, January 24th 1879.

Complying with the instructions of my Government, I have the honor to inform Y.E. that Mr Thomas J. Wilson has been appointed Commercial Agent of the United States at the port of Cardenas in this

Island.

I have further to inform Y.E. that Mr Wilson's certificate of appointment has been forwarded to the Legation of the United States at Madrid with the view of obtaining the recognition of the Government of H.M.- In the meantime, I am instructed to solicit of Y.E., permission for Mr Wilson to assume, temporarily, the duties of his office upon arrival at his post.

As far as I can learn, Mr Wilson has never resided in the dominions of Spain and has not yet arrived in this

this Island.

It may be proper to state to Y.E. that the consular office at Cardenas has been, hitherto, a dependency of the Matanzas Consulate and that the growing importance of the commercial relations of the United States with that port has induced the Depart-ment of State to make it a separate office, reserving, for itself, the appointment of the functionary who shall have charge of it.

I have the honor to be, with high respect.

Y.E.'s very Obedient Servant.

(signed) Henry.C.Hall
Consul General

Hrrood

Ack as important and
Valuable. JB

No. 782. — U.S. Consulate General=

Havana, February 19th 1879.

FEB 27 1879 RECEIVED

Mr Hall, to the

Department of State.

ackgd Feb. 28

Proposed treaties of com=
=merce, for Cuba, with the
United States and with Canada.

Accompanying a copy of a
Decree, of the Governor General
of Cuba, appointing a com=
=mission to draw up the bases
of treaties of commerce, for
the Island of Cuba, with the
United States and with Canada.

3 Inclosures.

No 782. U.S. Consulate General.

Havana, February 19th 1879.

Hon J.W. Seward.

Assistant Secretary of State.

Washington

Sir:

I have the honor to transmit, herewith, a copy and translation of a decree, of the Governor General of Cuba, appointing a commission to study and to formulate the bases for a treaty of commerce, for the Island of Cuba, with the United States, and another treaty, of the same nature, with Canada: these bases are to be submitted to the consideration

of the Government of Spain.

Whatever may be the result of the labors of this Commission, all the advantages which Spain would probably derive from a liberal commer= =cial treaty with the United States, could be obtained by the abolition or discontinuance of the discriminating duties, she now enforces in Cuba, and by placing American vessels upon the same footing with Spanish vessels in the ports of the Island. All the practical advantages of such a treaty could in this way be reached without the delay which must unavoidably

attend

attend its negotiation.

The discriminating duties, which have existed in Cuba, from time immemorial, were established, evidently, with the object of protecting Peninsular products in the markets of the Island and of giving its carrying trade to Spanish vessels, to the exclusion of foreign vessels. The intention, as far as the United States are concerned, was to some extent counteracted by the Act of Congress of 30th June 1834, and by subsequent Acts imposing a discriminating duty of ten per cent upon merchandise imported from

Cuba and Porto Rico, in Spanish vessels.

Every tariff, promulgated in Cuba during the past fifty years, has classified imports, for the imposition of duties, under the following heads:

1st Spanish productions imported in Spanish vessels:

2d The same imported in foreign vessels:

3d Foreign productions imported in Spanish vessels:

4th Foreign productions imported in foreign vessels.

The present tariff forms no exception; its application is shown in the following

following discriminating duties
on wheat flour. -

1st Spanish flour, imported
in Spanish vessels, pays duty,
per barrel, ——————— $2.25

2nd The same imported in
foreign vessels, pays per
barrel, ——————— " 4.50

3d Foreign flour imported
in Spanish vessels pays
per barrel, ——————— " 4.69½

4th The same imported in
foreign vessels - per barrel " 5.51:

the last named impost is coll=
=ected on American flour under
whatever flag it may be imported,
as, in accordance with the
Royal decree of 12th March
1867, which went into effect

on the 1st July of that year, all importations from the United States, in Spanish vessels, pay the duties that are collected upon the same importations in foreign vessels: this measure has been of no benefit whatever to the Americ= =can producer, inasmuch as American productions continue to pay the highest rate of duties, named in the tariff.

Through the opera= =tion of this tariff a large number of American products and manufactures are excluded from these markets and their places supplied with English, French and German goods imported

imported in Spanish vessels.
A sample of American cotton
prints is inclosed herewith:
these goods when imported
direct from the United States
pay a duty of _____ 34 13/20
cents per kilogram of weight.
similar goods, imported from
Europe in Spanish vessels,
pay 26 cents per kilogram or,
say, 30 per centum less than
the duty upon the American
article when imported direct
from the United States.

2./

The foregoing will suffice
to show the complicated
system existing in Cuba for
the protection of Spanish
shipping: this system, up

to the present, has deprived American producers and manufacturers of a fair share of the import trade of the Island.

Thirty, and even twenty, years ago when perhaps sixty per cent, or more, of the products of the Island were shipped to Europe, Spanish vessels were in demand and came in for a full share of that carrying trade: the export duty on products, shipped in those vessels, was fifty per cent less than the same duty collected on products shipped in foreign vessels - their port dues were also very much less;

for

for instance; upto 1867, Spanish vessels paid tonnage dues at the rate of 62½ cents per ton while foreign vessels paid $1.50 per ton.

While the demand for Cuban sugars, continued in Europe, Spanish vessels, in these waters, found profitable employment; but of late years the beet-root product has taken the place of Cuban sugars to the extent, that the latter are no longer in demand there, and no important market remains for them except the United States, where their consumption has reached to full eighty five per cent of the

entire production of the Islands;
thus the discriminating system
which Spain adopted for the
protection of her shipping
interests in Cuba has, at last,
become ruinous to those same
interests and, apparently, no
other resource remains to her
but to appeal to the United
States for a commercial treaty
which will admit Spanish
vessels, with Cuban products,
upon the same footing with
their own and the vessels of
assimilated nationalities.

In other respects,
than as regards Spanish
shipping interests, is a more
liberal commercial treaty

deemed

deemed of absolute necessity:
as has already been stated,
the policy of Spain, hitherto,
appears to have been to compel
Cuba to purchase Peninsular
products and, as far as
practicable, to exclude the
products of the United
States: this is shown in the
duties upon American flour
which are, in effect, prohibit-
-ory; but it now appears to
be well understood, in Cuba,
that, of late years, Spain
has not produced enough
wheat for her own consump-
-tion and has had to import
largely from the United States;
some of the same imported

wheat, after being made into flour, in Spain, is reshipped to Cuba as a Spanish production.

All these anomalies have, at last, come to be discussed with much freedom by Cuban consumers and the clamor for a change and for untrammelled intercourse with the United States, is becoming very general and very decided.

But while a commercial treaty with Cuba, would without doubt, open this market to many products and manufactures of the United States which have been, hitherto, shut out by the

operation of a discriminating tariff, it could not, in the present impoverished condition of the Island and its limited and nearly stationary popul-ation, develops a demand sufficient to offset the large and annually increasing sums which the United States expend in Cuba for its staple productions, sugar and tobacco: the advantages of such a treaty would be generally in favor of Spain in giving employment to her many vessels now idle, and in favor of the Island in the increased facilities for intercourse with the only

important market for its productions, and in reducing the cost of many articles of prime necessity.

For convenient reference 3./ I inclose a copy of the Cuban tariffs, above referred to.

I have the honor to be, Sir,

very respectfully,

Your Obedient Servant.

Henry C. Hall

Consul General.

Inclosures.-

1- Decree of 14th February 1879, appointing a commission to propose the bases of a commercial treaty with the United States.

2d- Sample of American cotton prints.

3d- Copy of the Cuban tariffs.

Inclosure N°1.
With Dispatch N°782.
Havana, Feby: 19th 1879.

From the "Gaceta Oficial" of 15th February 1879.

Decree appointing a commission to formulate the bases of commercial treaties for the Island of Cuba, with the United States and Canada.

Hacienda.

La *Gaceta* oficial publica la siguiente disposicion:

De conformidad con lo propuesto por la Direccion General de Hacienda, he acordado con esta fecha lo siguiente:

1º Se crea una comision encargada de estudiar y formular las bases de un tratado de comercio para la Isla de Cuba, entre el Gobierno de España y el de los Estados Unidos de la América del Norte, como tambien de otro de la misma especie con el Canadá, cuyas bases han de ser sometidas á la consideracion del Gobierno de S. M.

2º La expresada comision se compondrá del Excmo. Sr. D. Lope Gisbert, Administrador general del Banco Hispano-Colonial, Presidente; Señores D. Gabino Pardo, vocal de la Junta de Aranceles; D. Guillermo Zaldo y D. Federico Giraud, comerciantes; D. Bernardo del Riesgo, catedrático de derecho mercantil en esta Universidad; D. Luciano Perez de Acevedo, comisionado para la reforma de la Instruccion de Aduanas, y D. Fernando Villaamil, teniente de navío de la Real Armada, que hará de secretario.

3º La comision acordará el órden de sus trabajos de la manera que juzgue más conveniente para el inmediato desempeño de su encargo, y queda facultada para dirijirse á todas las dependencias y corporaciones del Estado con el objeto de adquirir cuantos datos y noticias estime necesarios.

Habana 14 de febrero de 1879.

Figueroa.

Finance

Translation—

In conformity with the suggestion of the General Direction of Finance I have accorded under this date the following:

1st

1st — A commission is appointed with the object of studying and formulating the bases of a treaty of commerce, for the Island of Cuba, between the Governments of Spain and the United States of North America as also another of the same class with Canada, which bases have to be submitted to the consideration of the Government of His Majesty.

2nd — The said commission shall be composed of H.E. Don Lopez Gisbert, Administrator General of the Hispano Colonial Bank — President.—
Messrs Don Gavino Pardo, member of the Junta upon tariffs.
" " Guillermo Zaldo and Federico Gircaud merchants.
" " Bernardo del Riesgo, Professor of mercantile law of the University of Havana.
" " Luciano Perez de Acevedo,

commissioners for reforming the Instructions for Custom Houses, and Fernando Villaamil, — Lieutenant of the Royal Navy, Secretary.-

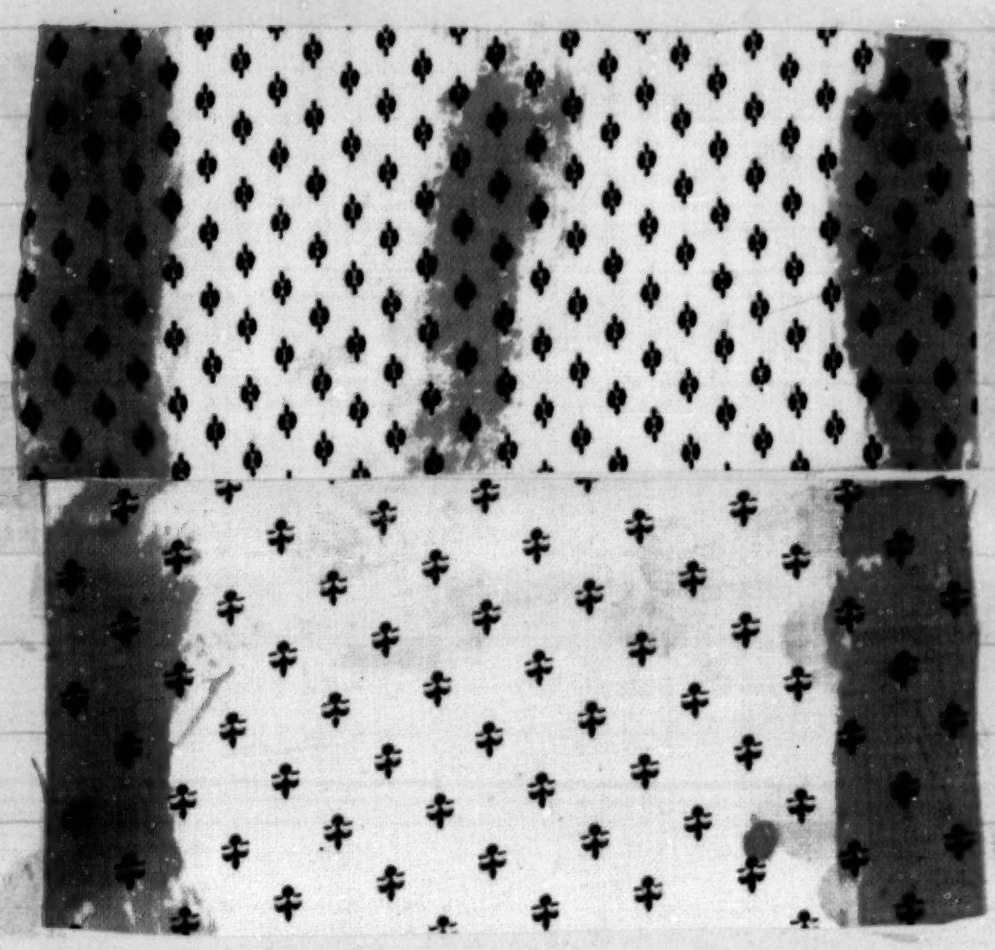
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3d. The commission shall adopt the order of its labors in the manner it may consider most convenient for the — immediate discharge of its duties and is authorized to communicate with all the dependencies and corporations of the Government for the purpose of acquiring what= =ever data and information it may deem necessary.

Havana, 14th February 1879.

— Figueroa.—

Inclosure N°2.
With Dispatch N°782.
Havana, February 19th 1879.



The above are samples of cotton prints manufactured in the United States and imported into Cuba via Liverpool where they were reshipped in Spanish vessel, to Havana. — When imported direct from the United States, whether in American or in Spanish, these goods.

goods pay a duty of 34 9/20. cents per kilogram. When imported in Spanish vessels, from any country except the United States, they pay a duty of 26 cents per kilo= =gram.

Inclosure No 3.
With Dispatch No 782.
Havana, February 19th 1879.

THE CUBAN TARIFFS.

DUTIES ON IMPORTS AND EXPORTS.

TONNAGE DUES,

REGULATIONS CONCERNING MANIFESTS,

INTERESTING TO CAPTAINS & SUPERCARGOES,

and other Custom-House Regulations and orders having reference with the Tariffs, &c., &c.

TRANSLATED FOR AND PUBLISHED BY S. S. SPENCER.

HAVANA.

MERCANTILE PRINTING OFFICE,
No. 10, Empedrado Street.
1873.

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Gasoline	536
Gin	2 & 3
Glass, and glaswares	145 to 156
Gloves	178–179 & 403
Glues	530 & 531
Goldware	356
Greases	532 & 533
Grains, medical	556 to 559
Grass, Yucatan, &c	366 to 370
Gutta percha goods	216 to 222
Gums	571 & 572 & 575 to 579
Hams	16 & 17
Haddock	32 & 33
Hay	55
Hair, human, horse, &c, an its textures	452 to 454 & 487 & 488
Hats, caps &c	272 to 280
Hemp, and its textures	420 to 451
Herring	32 & 33
Hides	157 to 162
Hoops, wooden & iron	71 & 302
Hogs	125
Hogsheads, empty	78
Horn and horn goods	191 & 223 & 224
Horses	116 to 118
Ice	52
Inks	283 to 284
Instruments, musical	225 to 229
Iron, and iron wares	294 to 353
Ivory	232 & 233
Jasper	141 to 144
Jewelry	356 & 359
Jute, textures, &c	420 to 451
Junk, goods, &c	489 to 494
Kerozene	536
Lard	54
Latten wares	288 to 292
Lead	360 & 361
Leather, and leather goods	160/166 & 176 & 177
Leeches	125
Leaves, all sorts	543 to 545
Lime	138
Linen goods	420 to 451
Liquors	2 to 7
Lumber	64 & 69
Machinery	231
Mackerel	32
Match splints	87
Matches	213
Marble, and marble wares	101–141 to 144
Medicines, patent or special	597 to 609
Medical preparations	597 to 609
Mineral waters	537
Mineral products	580 to 595
Moss	188
Mother of Pearl	234 & 235
Mules	119 & 120
Nails, iron, &c	299 & 364
Oats	39
Oils, almond	565
—— Castor	563
—— Cottonseed	563
—— Linseed	563
—— Lubricating	536
—— Coal	536
—— Cod	532
—— Whale	532
—— Train	532
—— Eatable	1
—— Essential	562 to 569
—— Medical	562 to 569
Oil cloth	208 to 210
Onions	36
Osier, and osier goods	489 to 494
Paints	261 to 268
Paper, all sorts	237 to 254
Pasteboard	192 to 196
Pastes, soup	56
Perfumery	255 to 260
Petroleum	535 to 536
Pewter and its wares	357 & 358
Pharmaceutical products	596 to 609
Pitch, mineral	538
—— vegetal	574
Pitto grass goods	495 & 496
Plants, medical	541 to 542
Plaster	138
Porcelain goods	135 to 137
Pork, salted pickled, &c	16 to 19
Porter	8 & 9
Potatoes	36
Powder, mining	268 & 269
Pumps, hydraulic	89
Rails, iron	231
Railroad stock	231
Resins	571 & 572 to 575
Rice	37 & 38
Rigging	421 & 495
Roots	548 to 552
Ropes	368 & 422
Rosin	575
Salt	60 & 61
Sand	138
Sardines	34
Sausages	21
Scales	353
Seeds, medical, &c	556 to 559
Shag textures	404 to 419
Shells, tortoise, &c	199 to 202
Shingles	86
Shoes, & boots	167 to 174
Shooks, box & hhds	75 to 77
Shoots	541/542
Silk, textures, &c	497 to 526
Silverware	359
Skins	163 to 166
Soap, common sorts	230
—— perfumed	255 to 260
Sparto, or Spanish grass	489 to 494
Sperm	533
Spices	23 to 27
Spirits	2 to 7
Starch	182
Staves	73 & 74
Stearine	533
Steel, & steelwares	285 to 287
Stones, and stonewares	138 to 144
Stoves, cooking	297
Straws, hatters'	494
Sulphur	585
Tackles	367
Tallow	533/534
Tar, mineral	538
— vejetal	574
Tasajo (jerked beef)	20
Tea	83
Textures, cotton	371 to 403
——— Flax, hemp, &c	420 to 451
——— Abaca, &c	369
——— Hair	452 to 454
——— Woolen	455 to 486
——— Sparto grass	489 to 494
——— Pitto	496
——— carpetlike	404 to 419
——— Silk, velvet, &c	497 to 526
——— Velvetlike	404 to 419
——— Mixed	616 to 614
Thread, sewing	375
——— pack	423
——— Sisal, or pitto	495
Timbers	70
Tin, and tin plate goods	293 & 354 & 355
Tobacco, chewing, &c	281 & 282
Tools, iron & steel	287 & 331 to 353
Trunks	102 & 103
Turpentine, crude	575
——— Spirits of	564
Twines, hemp, &c	424 & 425
Types, printing	365
Varnish	189 & 190
Vegetal Extracts	597 to 600
Vegetal Products	541 to 589
Vegetables	36 & 49 & 50
Velvet textures	497 to 526
Vinegar	10 & 11
Vermicelli	56
Wagons	109
Watches, metal	270
Wax	197 & 198
Whale bone	185 to 187
Wick, cotton	372 & 373
Wines	12 to 15
Woods, and wooden goods	64 to 110
Wool, and woolen goods	455 to 486
Zinc	362 to 365

TARIFF OF DUTIES

on Goods and Merchandise Imported into the Island of Cuba; in force since the 1st of October, 1870, with the following additional due, viz:-25 per cent extra, as war subsidy, levied since January 1st, 1873.

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	Cts.	FOREIGN FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	Cts.	FOREIGN FLAG. $.	Cts.
	Provisions.									
	LIQUIDS.									
1	OILS, olive and other eatable, including weight of inside package for clarified.	one kilog.	.....	02 1/20	....	04 1/10	.....	05½	.....	07 3/10
2	SPIRITS, pure or compound, with or without sugar, as gin, aniseed, potato and barley brandies, and similar kinds in wooden pkges. and demijohns									

GOLD DUTIES.

The Project of the Intendancy dated 7th January, 1874, which has been sent to Spain for approval, has been altered, so as to read: Art. 6th, section 1st, The collection of duties in gold is reestablished in the following proportion: from the 1st April next, 25 per cent; from the 1st May, 50 per cent; from the 1st August, seventy five per cent and from the 1st November, one hundred per cent. Instead of extending the latter periods to 1875, the whole duties will be collected in gold on and after the 1st Novbr., 1874.

IMPORTS FROM THE U. STATES UNDER THE SPANISH FLAG.

A royal decree, dated 12th March, 1867, which is still in force, provides that: as long as a treaty between the United States and Spain is not concluded, all importations from the said United States under the Spanish Flag will pay the same duties collected on those under the foreign flags. (Letter from the Intendancy of Finance to us dated October, 1873.)

	——Canned meats, prepared, including weight of cans	»	.....	08 7/10	.....	20 1/5	.....	25⅝	.....	32 3/20
	SPICES.									
23	ANISEED, CUMINSEED, MARJORAM, RED PEPPER, and other such spices, laurel leaves, &c	»	.....	01¾	.....	03½	.....	04 7/10	.....	06¼
24	SAFFRON, dry or in oil	»	2	17 2/5	5	00	6	30 9/20	8	04 7/20
25	CINNAMON from Ceylon, and Nutweg	»	.....	21¾	.....	50	.....	63 1/20	.....	80 9/20
26	——Cinnamon from other countries	»	.....	08 7/10	.....	20	.....	25 1/5	.....	32 3/20
27	——Ditto, large common; and cloves and black pepper	»	.....	03 7/10	.....	08½	.....	10 7/10	.....	13 13/20
	FRUITS.									
28	GREEN & FRESH, such as apples, pears, peaches, melons, grapes and olives, including weight of inside pkge. for bottled	»	.....	00 17/20	.....	02	.....	02½	.....	03 1/5
29	DRIED AND SHELLED, as almonds, hazelnuts, walnuts, chestnuts, pecans: and pressed, such as raisins, prunes, figs and peaches	»	....	01 3/10	.....	03	.....	03 4/5	.....	04 17/20
30	UNSHELLED, as almonds, dates, and others as above, of superior classes packed in crystal bottles or other fine packages, including weight of such packages	»	.....	03¼	.....	07½	.....	09 9/20	....	12 1/20
31	PRESERVED, in their own juice, in brandy & syrup, or in paste; also stuffed olives, ond other preserved fruits and sweet meats not specified; and candies, chocolate, &c., including weight of inside glass or tin package, when any	»	.....	02¾	.....	06 7/20	.....	08	.....	10 1/5
	FISH.									
32	COMMON SORTS, smoked, dried, salted or pickled, as Halifax and Newfoundland cod, herring, mackerel, skate, hake, haddock, pressed sardines, exclusive of weight of brine	»	.....	00 7/10	.....	01 7/20	.....	01 4/5	.....	02 9/20
33	SUPERIOR SORTS, dried or pickled, as anchovies, tunnyfish, salmon, cod sounds, Norwegian, Swedish and Scotch cod, stockfish, other North European, and all classes of live and dried shell fish, including weight of brine and glass package, if any	»	.....	01 1/20	.....	02 3/20	.....	02 17/20	.....	03 4/5
34	SARDINES, preserved in tins, including inside package	»	.....	04 3/10	.....	09 9/10	.....	11½	.....	15 19/20
35	OTHER FISH, preserved in oil, not specified above, pickled or otherwise prepared; oysters in their own water, or canned, including weight of inside package	»	.....	06¼	.....	15	.....	18 9/10	.....	24 1/10

TARIFF OF DUTIES

on Goods and Merchandise Imported into the Island of Cuba; in force since the 1st of October, 1870, with the following additional due, viz:-25 per cent extra, as war subsidy, levied since January 1st, 1873.

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON SPANISH PRODUCTION. FOREIGN FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. FOREIGN FLAG. $.	Cts.
	Provisions.									
	LIQUIDS.									
1	OILS, olive and other eatable, including weight of inside package for clarified.	one kilog.	.....	02 1/20	....	04 1/10	.....	05½	.....	07 3/10
2	SPIRITS, pure or compound, with or without sugar, as gin, aniseed, potato and barley brandies, and similar kinds in wooden pkges. and demijohns.....	one litre.	.....	01 3/5	.....	03 7/10	.....	04 13/20	.....	05 9/10
3	——Ditto, in bottles.	»	.....	02 9/10	.....	06 3/5	.....	08 7/20	.....	10 13/20
4	——Ditto, compound, as inferior classes of cognac, brandy and rum, in wooden pkges. and demijohns.....	»	.....	02¼	....	05 3/20	....	06½	.....	08 3/10
5	——Ditto, ditto, in bottles.....	»	.....	03 1/10	.....	07 3/20	.....	09	.....	11½
6	——Ditto, ditto, ditto, of superior classes, in wooden pkges and demijohns...	»	....	03 19/20	...	09 1/10	.....	11½	.....	14 13/20
7	——Ditto, ditto, ditto, in bottles.....	»	.....	05 3/20	.....	11 9/10	.....	15	...	19 3/20
	N. B.—Inferior classes of cognac, brandy and rum, are understood to be those worth, in their place of production, not over 25 cts. per litre in wooden pkges. and $5 in bottles, per box of 12 bottles.									
8	ALE & PORTER, in wooden pkges.....	»	.....	01¼	.....	02 9/10	.....	03 13/20	.....	04 13/20
9	——Ditto, ditto, in bottles	»	.....	02 9/10	.....	06 3/5	.....	08 7/20	.....	10 13/20
10	VINEGAR, in wooden pkges. and demijohns	»	.....	00¾	.....	01 11/20	.....	02 1/20	.....	02 7/10
11	——Ditto, in bottles.....	»	.....	02 9/10	....	06 3/5	.....	08 7/20	.....	10 13/20
12	WINES, white and red, inferior classes, and cider, in wooden pkges. and demijohns	»	.....	00¾	.....	01½	.....	02	.....	02 13/20
13	——Ditto, ditto, in bottles.....	»	.....	02 9/10	.....	06 3/5	.....	08 7/20	.....	10 13/20
14	——Ditto, ditto, superior classes, and sweet red and champagne, in wooden pkges. and demijohns	»	....	02 9/10	.....	06 3/5	....	08 7/20	.....	10 13/20
15	——Ditto, ditto, in bottles, and bitters and similar liquids.....	»	....	08 7/20	.....	19 3/20	.....	24 3/20	.....	30 17/20
	N. B.—Inferior wines are understood to be those worth in their place of production, not over 15 cts. per litre, in wooden pkges. and $2½ in bottles, per box of 12 bottles.									
	MEATS.									
16	BEEF, PORK, HAMS, &c., ordinary classes, smoked, salted or prepared, as common hams & ribs from Spain and the U. States; bacon, hung beef and similar kinds.....	one kilog.	....	02 7/20	.....	04 7/10	.....	06¼	.....	08 7/20
17	——Ditto, ditto, more superi r than the above, as mutton, smoked tongues «family beef,» Westphalia and other North European hams...	»	....	05 1/5	.....	12	.....	15 1/10	.....	19 3/10
18	——Pickled beef.....	»	....	00 7/10	.....	01 7/20	.....	01 4/5	.....	02 9/20
19	——Pickled pork.....	»	.....	01 3/20	.....	02¼	.....	03	.....	04 1/20
20	——Jerked beef	»	.....	00 4/5	.....	01 11/20	.....	02 1/10	.....	02 4/5
21	——Sausages and such stuffed meats.....	»	....	05 1/5	.....	11 9/10	.....	15	.....	19 3/20
22	——Canned meats, prepared, including weight of cans.....	»	.....	08 7/10	.....	20 1/5	.....	25½	.....	32 3/20
	SPICES.									
23	ANISEED, CUMINSEED, MARJORAM, RED PEPPER, and other such spices, laurel leaves, &c.....	»	.....	01¾	.....	03½	....	04 7/10	.....	06¼
24	SAFFRON, dry or in oil.....	»	2	17 2/5	5	00	6	30 9/20	8	04 7/20
25	CINNAMON from Ceylon, and Nutweg.....	»	.....	21¾	.....	50	.....	63 1/20	.....	80 9/20
26	——Cinnamon from other countries.....	»	.....	08 7/10	.....	20	.....	25 1/5	.....	32 3/20
27	——Ditto, large common; and cloves and black pepper.....	»	.....	03 7/10	.....	08½	.....	10 7/10	.....	13 13/20
	FRUITS.									
28	GREEN & FRESH, such as apples, pears, peaches, melons, grapes and olives, including weight of inside pkge. for bottled	»	.....	00 17/20	...	02	.....	02½	.....	03 1/5
29	DRIED AND SHELLED, as almonds, hazelnuts, walnuts, chestnuts, pecans: and pressed, such as raisins, prunes, figs and peaches	»	....	01 3/10	.....	03	.....	03 4/5	.....	04 17/20
30	UNSHELLED, as almonds, dates, and others as above, of superior classes packed in crystal bottles or other fine packages, including weight of such packages	»	.....	03¼	.....	07½	.....	09 9/20	....	12 1/20
31	PRESERVED, in their own juice, in brandy & syrup, or in paste; also stuffed olives, and other preserved fruits and sweet meats not specified; and candies, chocolate, &c., including weight of inside glass or tin package, when any.....	»	.....	02¾	.....	06 7/20	.....	08	.....	10 1/5
	FISH.									
32	COMMON SORTS, smoked, dried, salted or pickled, as Halifax and Newfoundland cod, herring, mackerel, skate, hake, haddock, pressed sardines, exclusive of weight of brine.....	»	.....	00 7/10	.....	01 7/20	.....	01 4/5	.....	02 9/20
33	SUPERIOR SORTS, dried or pickled, as anchovies, tunnyfish, salmon, cod sounds, Norwegian, Swedish and Scotch cod, stockfish, other North European, and all classes of live and dried shell fish, including weight of brine and glass package, if any	»	.....	01 1/20	.....	02 3/20	.....	02 17/20	.....	03 4/5
34	SARDINES, preserved in tins, including inside package	»	.....	04 3/10	.....	09 9/10	....	11½	.....	15 19/20
35	OTHER FISH, preserved in oil, not specified above, pickled or otherwise prepared; oysters in their own water, or canned, including weight of inside package.....	»	.....	06½	.....	15	.....	18 9/10	.....	24 1/10

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. Span. Flag. $.	Cts.	Foreign Flag. $.	Cts.	DUTY ON FOREIGN PRODUCTION. Span. Flag. $.	Cts.	Foreign Flag. $.	Cts.
	Provisions. (CONTINUED.) **GRAINS. SEEDS. LARD, BUTTER, EXCULENTS, VEGETABLES, FLOUR, AND OTHER PROVISIONS.**									
36	EXCULENTS, as celery, garlic, onions, cabbages, turnips, potatoes, beet, carrots, and similar exculents.	one kilog.	00	2/5	00	4/5	01	1/20	01	2/5
37	GRAINS, SEEDS. &c., Canary, common rice, pearl barley, rye, wheat and similar kinds	»	01	3/20	02	7/20	03	3/20	04	1/5
38	——Rice, inferior kind: as yellow, broken, powdered, &c., termed here planters, which are understood to be those sorts which are not worth more than 75 cts. per arrobe, afloat in the bay	»	00	3/5	01	3/20	01	11/20	02	1/10
39	——Oats, unshelled barley, corn, peanuts, kernel, and similar grains	»	00	2/5	00	4/5	01	1/20	01	2/5
40	——Cocoa, Caracas, Soconusco, Barinas, Maracaibo, and similar sorts	»					15	1/10	19	3/10
41	——Ditto, Guayaquil, Trinidad, Marañon, Para, and such kinds.	»					07	3/10	09	15/20
42	——Coffee	»	02	7/20	04	7/10	07	11/20	09	13/20
43	——Manioc paste or cake	»	01	19/20	03	9/10	05	1/5	06	19/20
44	——Sea, or pilot bread or biscuits	»	01	3/20	02	7/20	03	3/20	04	1/5
45	——Biscuits, fine sorts, as soda, milk, lemon and others, in wooden boxes or barrels, including weight of inside packages when these are small fine barrels, trunks, or boxes	»	02	1/5	05		06	3/10	08	1/20
46	——Chickpeas, lentils, beans, and similar peas	»	00	7/10	01	7/20	01	4/5	02	9/20
47	FLOUR, &c., corn and rye flour, and bran	»	00	2/5	00	4/5	01	1/20	01	2/5
48	——Wheat flour, including weight of pkge	100 kilog.	2	25	4	50	4	69½	5	51
49	VEGETABLES, &c., pickled, weight of vinegar and inside pkge. included	one kilog.	02	3/20	04	19/20	06¼		07	19/20
50	——Ditto, preserved in their own juice, or canned; also mushrooms, prepared mustard, and similar goods, including inside package	»	04	7/20	10		12	3/5	16	1/10
51	——Eggs, all sorts of poultry	»	02	7/20	04	7/10	06¼		08	7/20
52	ICE	100 kilog.					17	2/5	21¾	
53	BUTTER, including weight of earthen or glass pkges. or of salt when prepared in bbls. &c.	one kilog.	03	9/10	09		11	7/20	14½	
54	LARD, pork, for cooking	»	02¾		05½		07	3/10	09¾	
55	HAY, &c., common hay, or dried straw and grass	»	00¼		00	3/5	00	4/5	01	
56	VERMICELLI, and all sorts of soup and other eatable flour pastes	»	01	3/5	02	3/20	04	1/5	05	3/5
57	CHEESE, Spanish, Holland, Canary and similar sorts	»	03	7/20	06	13/20	08	17/20	11	4/5
58	—— Ditto, British, Swiss, Italian and similar kinds	»	06½		15		18	9/10	24	1/10
59	——United States, and similar kinds	»	02	7/20	04	7/10	06¼		08	7/20
60	SALT, grainy or coarse	100 kilog.	30		60		85½		1 18½	
61	—— Ditto, fine and ground, including weight of earthern and glass pkges. when any	»	60		1 20		1 71		2 37	
62	CANNED GOODS, not specified above, including weight of inside pkge	one kilog.	05	9/20	12½		15¾		20	2/10
63	TEA, of all sorts	»	21¾		50		63	1/20	80	9/20
	Woods and wooden goods.									
64	PINE, boards and scantling	per 1000 superficial feet	1	80	3	60	4	80	6	40
65	POPLAR		2	70	5	40	7	20	9	60
66	MAPLE		3	60	7	20	9	60	12	80
67	WALNUT									
68	DYE WOODS, as Campeachy, Mulberry, &c., &c	100 kilog.					17	2/5	21¾	
69	FLOORING, planed, chiseled, or otherwise prepared so that they cannot be included in the above items, will pay an extra duty of 25 per cent									
70	TIMBERS, hard, unhewn	1000 sup. f't	2	70	5	40	7	20	9	60
71	COOPERAGE, &c, Hoops of more than 220 centimeters, shaved or unshaved for hhds. pipes, &c	per 1000	1	93½	3	87	5	16	6	88
72	——Ditto, of 220 centimeters or less, for barrels	»		81	1	62	2	16	2	88
73	——Staves for pipes, &c	»	2	92½	5	85	7	80	10	40
74	——Ditto for barrels, planed or grooved, with headings	»		76½	1	53	2	04	2	72
75	——Hogshead, pipe and barrel shooks, with headings, but exclusive of hoops	each	09	9/10	19	4/5	26	2/5	35	1/5
76	——Hogshead headings, loose	pair	01	7/10	03	2/5	04½		06	
77	—— Box shooks, for sugar	each	03¾		07½		15		22½	
78	——Empty hogsheads, pipes & barrels, of more than 30 litres capacity and boxes, new or old, will pay as preceding classification, with 30 per cent extra									
79	——Empty barrels, of less than 30 litres capacity; buckets, tubs, washing and bathing tubs, plates and dishes, hair dressers forms, shoe lasts, mallets, tool handles, rat traps without wire, corks, ship brushes, millet brooms, small boxes for druggists, spoons and forks, chocolate beaters, and similar wooden articles	one kilog.	02¼		04½		06		08	
80	—— Carpenter's screws and presses, wheel barrows withor without iron parts, printing cases, pump stands, and similar articles	»	01	3/5	03	3/20	04	1/5	05	3/5
81	——Shoe brushes, truss shooks, and such articles	»	02	17/20	05	13/20	07	11/20	10	1/10
82	——Hair and clothes brushes, of inferior kinds, floor do, common dusters, cobcleaners including handle even if separated, ship blocks, pullies of all sorts, and similar goods	»	04	15/20	09	9/20	12	3/5	16	4/5
83	——Levels (water)	»	07	9/20	14	17/20	19	4/5	26	2/5
84	——Clothes rakes, oars and handspikes	»	01	3/20	02¼		03		04	
85	——Wooden pieces, prepared &c., for carriage and saddle makers, such as wheel spokes & felloes, shafts, saddle trees and bows, yokes for horse collars and similar articles, with or without iron parts	»	03	9/10	09	17/20	10	9/20	13	9/10
86	——Shingles	100 kilog.	01	4/5	03	3/5	04	4/5	06	2/5
87	——Match Splints	one kilog.	00	7/10	01	9/20	01	9/10	02	11/20
88	——Veneering boards	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
89	——Hydraulic pumps, small boats and similar articles	»	9	»	18	»	24	»	32	»
90	——Painters brushes, not weighing above one kilogram each doz	one kilog.	18		36		48		64	
91	——Ditto, weighing more than one kilogram each dozen	»	09		18		24		32	
92	——Hair and clothes brushes, common and fine classes, tooth, nail and jewel do; combs; lead pencils, rules, with or without metal edges, pen holders, squares, meters, and similar goods	»	31½		63		84		1 12	
93	—— Carpenters pencils	»	04½		09		12		16	
94	——Dusters, large fine ones	»	36		62		96		1 28	

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.
	Woods and wooden goods. **(CONTINUED.)**									
95	——Dusters, small fine ones..	one kilog.		72	1	44	1	92	2	56
96	FURNITURE, &c., of common woods, as pine. chestnut, cherry, common maple, white and black poplar, painted or not, or varnished; also common frames painted, or prepared for gilding	»		09		18		24		32
97	—— Chairs, of above woods, &c, of not more the 3⅓ kilogram weight, and rocking chairs of not more than 6⅔ kilograms weight each	»		02 19/20		05 17/20		07 4/5		10 2/5
	N. B.—Chairs and rocking chairs of less than the above mentioned weigh will pay as item No. 96.									
98	—— Furniture, &c., of wood superior to the above, as oak, walnut, mahogany, fine maple, and similar kinds	»		15		34⅓		43⅓		55⅓
99	——Ditto, of woods finer than the preceding, as palisandre, rosewood & ebony, and such kinds, gilded or with metal ornaments	»		20		46		58		74
100	——Ditto, except chairs and stools, the weight of which does not exceed 2 kilograms each, will pay as the preceding item with 50 per cent extra									
101	——Ditto, scultured, with more than one flower or ornament, will pay as the above items, with 50 per cent extra									
	N. B.—In furniture with marble pieces, the weight of these will be included. Loose marbles, looking glasses, although appertaining to furniture pieces, will pay according to the respective items in this tariff.									
102	——Trunks and valises of all sizes, covered with paper, canvass or raw leather, with or without leather straps	one kilog.		01 4/5		03 3/5		04 4/5		06 2/5
103	——Ditto, ditto, covered with dressed sheep, morocco skins, oil cloth or any other similar cover, when wood predominates in them	»		03 3/5		07 1/5		09 3/5		12 4/5
	N. B.—For leather and leather and paste board trunks, see items 175 & 177.									
104	CARRIAGES, &c., Coaches, Landaus, &c, of 4 wheels and 4 seats..	each.	72		144		192		256	
105	——Ditto, ditto, of 2 seats, stages of 4 wheels, and omnibuses, with wooden tops	»	54		108		144		192	
106	——Buggies, dog-carts, brakes and others of 2 or 4 wheels, with one or two seats, with leather tops	»	22	50	45		60		80	
107	——Ditto, ditto, ditto, plain and without leather tops, as the tilbury, &c (excepting fancy ones and others of same class)	»	11	25	22	50	30		40	
108	——Railroad passenger, baggage and other cars	ad valorum	As per special regulation							
109	——Carts & wagons	»	9	Per cent.	18	Per cent.	24	Per cent.	32	Per cent.
110	——Loose carriage pieces, as wheels, springs, frames &c	»	9	»	18		24	»	32	»
	N. B.—Toy carriages, see item «Toys».									
	Animals.									
111	WILD, &c, as elephants, lions and others not specified in the tariff	»	10	»	23	»	29	»	37	»
112	—— Apes, monkeys, squirrels, foxes, badgers, and other small kinds	each.		40		92	1	16	1	48
113	POULTRY & BIRDS. Poultry	per kilog.		02 9/20		04 9/10		06⅔		08 7/10
114	——Birds, fancy as parrots, macaws, peasants and peacocks	each.		20		46		58		74
115	——Ditto, ditto, singing, as mocking and canary birds, nightingales, &c	»		10		23		29		37
116	HORSES, ASSES, MULES– Asses, not imported to improve the breed..	»	1	80	3	60	4	80	6	40
117	——Horses and mares, of more than 63 inches height, not imported to improve the breed	»	25		57	50	72	50	92	50
118	—— Ditto, ditto, of 63 inches and less	»	10		23		29		37	
119	——Mules, of more than 58½ inches height	»	12		27	60	34	80	44	40
120	—— Ditto, of 58½ inches height or less	»	3	82½	7	65	10	20	13	60
121	CATTLE, &c—Yearlings, and calves of 2 years or less	»		90	1	80	2	40	3	20
122	——Oxen, bulls and cows more than 2 years old	»	1	80	3	60	4	80	6	40
123	——Lambs, goats, sheep, &c	»		86		72		96	1	28
124	——Hogs, of all breeds	per kilog.		01 19/20		03 9/10		05 1/5		06 19/20
125	— —Leeches	ad valorum	4	Per cent.	6	Per cent.	8	Per cent.	10	Per cent.
	Earthen, stone and glassware.									
126	EARTHENWARE. Bricks and slabs, ordinary classes	100 kilogs.		09		18		24		32
127	——Ditto, ditto, fine classes	»		25 13/20		51 3/10		68 2/5		91 1/5
128	——Ditto, ditto, glazed, and such ware, and tubes	»		40½		81	1	08	1	44
129	——Tiles, roofing	»		11¼		22½		30		40
130	——Ditto, for turrets, &c	one kilog.		01 3/5		03 3/20		04 1/5		05 3/5
131	——Smoking pipes, spitting boxes, pans, flower pots, domestic and cooking utensils, and such articles, glazed or not	»		00 3/5		01 3/20		01 11/20		02 1/10
132	——Toys, jars, jugs, bottles, pitchers, and water filters, unglazed	»		01 19/20		03 9/10		05 1/5		06 19/20
133	——Ditto, ditto, ditto, glazed or unglazed, carved engraved or painted	»		05 9/20		12½		15 15/20		20 1/10
134	FLINTWARE, of all kinds not specified	»		01 3/20		02 7/20		03 3/20		04 1/5
135	WHITE PORCELAIN goods	»		02 3/5		06		07 11/20		09 13/20
136	—— Ditto, gilded, or superior classes, as China, Japon, &c	»		10 17/20		25		31¼		10 1/5
137	——Porcelains of Sevres, in all shapes, fancy porcelain objects, &c	»		15		34⅓		43⅓		55⅓
138	STONES, &c , Chalks, sands, lime, plaster, grinding stones, stone filters, mill stones, slabs and similar goods	»		00 3/20		00¼		00 7/20		00½
139	——Whetstones	»		00 9/20		00 9/10		01 1/5		01 3/5
140	——Slates with frames, pumice stone, ditto powdered, flint stones	»		01		02		02 13/20		03½
141	——Marble slabs, jasper and alabaster ditto, unpolished	»		00 3/10		00 7/10		00 17/20		01 1/10
142	——Ditto, ditto polished	»		00½		01 3/20		01 9/20		01 17/20
143	—— Marble, jasper or alabaster bathing tubs, mortars, and similar articles without ornaments	»		01 3/20		02 3/5		03¾		04 3/20
144	——Ditto, ditto, ditto, rough steps and other similar heavy goods; also scultured and fancy articles	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
145	GLASSWARE, Common glass bottles, demijohns, flasks, and similar articles.	per kilog.		00 3/5		01 3/20		01 11/20		02 1/10
146	——Window and such glasses, plain or adorned, white or colored, of up to 600 square inches each	»		01 3/10		03		03 4/5		04 17/20
147	——Ditto ditto, of from 601 to 1000 square inches each	»		01 15/20		04		05 1/20		06 9/20
148	——Ditto, ditto of more than 1000 square inches each	»		02 3/5		06		07 11/20		09 13/20

Classification of Items		Weight, Measure, &c.	DUTY ON — SPANISH PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	SPANISH PRODUCTION. FOREIGN FLAG. $.	FOREIGN FLAG. Cts.	FOREIGN PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN PRODUCTION. FOREIGN FLAG. $.	FOREIGN FLAG. Cts.
	Earthen, stone and glassware.									
	(CONTINUED.)									
149	Looking glasses, without frames, will pay as the preceding items with 500 per cent extra	per kilog.	.....	.....	.....	.....	.....	.....	.....	.....
150	——Ditto, with frames of up to 1000 square inches each, will pay as above items with 500 per cent extra	»	.....	.....	.....	.....	.....	.....	.....	.....
151	——Ditto, with frames, of more than 1000 square inches will pay as above items, with 1000 per cent extra	»	.....	.....	.....	.....	.....	.....	.....	.....
152	——White glass and crystal, colored or painted, moulded or shaped in bottles, flasks, vases, cups, drinking glasses, jars, sugar and sweet meat dishes, lamps, lanterns, and similar articles not specified	»	.....	03	.....	06 9/10	.....	08 7/10	.....	11 1/10
153	——Common glass articles, as retorts, mortars and other articles for the use of druggists and apothecaries, not polished with emery	»	.....	02 7/10	.....	05 2/5	.....	07 1/5	.....	09 3/5
154	——Ditto, and crystal in the shape of pumps, lamps globes and tubes, chandeliers, fancy lanterns, &c, &c	»	.....	10 17/20	.....	25	.....	31½	.....	40 1/5
155	——Ditto, ditto, in the shape of toys and fancy articles	»	.....	25	.....	57½	.....	72½	.....	92½
156	——Crystal lenses, watch glasses and the so called «muslin» glass shaped in other objects	»	1	08 7/10	2	50	3	15 1/5	4	02 3/20
	Hides, leather, furs, &c.									
157	HIDES, FURS, &c. Fine or fancy furs, as lion, tiger, bear, ermine, otter, leopard, and similar furs	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
158	——Hides, common, ass, horse and cow, dried and haired	per kilog.	.....	02 7/20	.....	04 7/10	.....	06¼	.....	08 7/20
159	——Ditto green	»	.....	00 4/5	.....	01 11/20	.....	02 1/10	.....	02 4/5
160	——Leather, tanned (as sole leather)	»	.....	03½	.....	07 1/20	.....	09 2/5	.....	12 11/20
161	——Ditto, varnished (for shoes)	»	.....	07 17/20	.....	15 13/20	.....	20 17/20	.....	27 4/5
162	——Ditto, unvarnished (split leather) in small pieces for industrial purposes.	»	.....	06 15/20	.....	13½	.....	18	.....	24
	N. B.—Hides and sole leather are understood here to be those which preserve their original thickness; those called «buffalo» and others are nothing but one of the two, three or four parts made out of the thickness of the hides and soles.									
163	——Sheep, goat and such skins, haired.	»	.....	05 17/20	.....	11 15/20	.....	15 13/20	.....	20 17/20
164	——Tanned or dressed skins, as morocco, sheep, &c	»	.....	09 4/5	.....	19 11/20	.....	26 1/10	.....	34 4/5
165	——Ditto, superior to the preceding as fine black and satin-ted calf, kid, and shagreen.	»	.....	18 3/5	.....	37 3/20	.....	49 11/20	.....	66 1/10
166	——Ditto, varnished, as patent leather, buffalo, calf; and other unvarnished, as hog and chamois	»	.....	29¼	.....	58½	.....	78	1	04
167	SHOES, &c., Hemp shoes	each pair	.....	01 7/20	.....	02 7/10	.....	03 3/5	.....	04 4/5
168	——Boots, mounting and coachmen	»	.....	45	.....	90	1	20	1	60
169	——Men half boots or gaiters, with elastics or buttons	»	.....	15 15/20	.....	31½	.....	42	.....	56
170	——Women silk ditto, ditto; or the same the principal part of which is silk.	»	.....	23½	.....	54 1/20	.....	68 3/20	.....	86 19/20
171	——Ditto, ditto, of other classes, adorned, with silk or other material	»	.....	13½	.....	27	.....	36	.....	48
172	——Ditto, ditto, without garniture, and buttoned or laced boots	»	.....	09	.....	18	.....	24	.....	31½
173	——Shoes or laced women and men shoes, and slippers, of all classes not specified	»	.....	05 13/20	.....	11¼	.....	15	.....	20
174	——Children shoes and boots, up to 23 centimeters for boy and 20 for girls, will pay, according to class, as the preceding items, with a reduction of 50 per cent.	»	.....	.....	.....	.....	.....	.....	.....	.....
	N. B.—India rubber shoes (See India rubber goods).									
175	SUNDRY LEATHER GOODS, &c., Common manufactures, as harnesses for carts and other leather cutters goods, tubs, holsters, valises, carpet bags, hat-cases, and other travelling bags made of carpet, leather, oil cloth	per kilog.	.....	07 1/5	.....	14 2/5	.....	19 1/5	.....	25 3/5
176	——Ditto, ditto, superior to the above, as harnesses for carriages, common saddlery with or without hog skin, morocco or velveret, half embroidered or with some parts of silk or floss silk, and articles annexed as bridles, straps &c, for stirrups and machinery, hose, and hat skins	»	....	15	.....	30	....	40	.....	53 7/20
177	——Fine leather goods, as horse saddles with hog or buffalo skin sides, adorned or not, with velvet top embroidered or not; and fine harnesses for one horse carriages, value of which do not exceed $40, or for two horse do. value not exceeding $80, and straps annexed, carved, embroidered, or otherwise adorned, hunting goods; buffalo, shagreen, Russia and such fine leather bags, except small fancy hand bags for ladies, which will pay as per item 233	»	.....	24 3/20	.....	55½	.....	70	.....	89 3/10
178	——Gloves, kid	»	1	50	3	45	4	35	5	55
179	——Ditto, gazelle, buck or chamois	»	.....	60	1	38	1	67 2/5	2	22
	Mercery, small wares,									
	AND SUNDRY ARTICLES, AND MANUFACTURES NOT OTHERWISE MENTIONED.									
180	FANCY ARTICLES, &c.—Bugles, purls, glass and crystal beads, gold and silver twist, olive skins, gold and silver wire and all other such articles when in thread.	»	..	07½	.....	17¼	.....	21 15/20	.....	27 15/20
	N. B.—When put up as adornments, duty will be levied as per item 233.									
181	FANS of all classes	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
182	STARCH.	per kilog.	.. ...	01 15/20	.....	04	.....	05 1/20	.....	06 9/20
183	SKIRTS, Women hoop	per dozen.	1	.. ..	2	30	2	90	3	70
184	——Girl ditto	»	.....	70	1	61	2	03	2	59
185	WHALEBONE, rough	per kilog.	.....	10	.....	23	....	29	.....	37
186	——Ditto, cut and prepared to be used, but unpolished	»	.....	15	.....	34½	.....	43½	.....	55½
187	——Ditto polished and prepared for dresses, stays, or any other purpose, with or without metal buts	»	.....	30	.....	69	.....	87	1	11
188	MOSS, dried for upholsterers	»	.....	01	.....	01 19/20	.....	02 3/5	.....	03 9/20
189	VARNISH, common and current classes for furniture	»	.....	05 7/20	.....	10 7/10	.....	14¼	.. ...	19
190	——Ditto superior for pictures	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
191	HORN, Buffalo, manufactured in whatever form	per kilog.	.....	60	1	38	1	74	2	22
192	PASTE BOARD, rough	»	.....	00 7/10	.....	01 7/20	.....	01 4/5	.....	02 9/20

Mercery, small wares,

AND SUNDRY ARTICLES AND MANUFACTURES NOT OTHERWISE MENTIONED.

(CONTINUED.)

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON SPANISH PRODUCTION. FOREIGN FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. FOREIGN FLAG. $.	Cts.
	N. B.—According to order of 8th Jan'y 1871, the preceding article is assimilated to common wrapping paper.									
193	———Ditto manufactured in hats and other similar objects	per kilog.		04½		09		12		16
194	———Ditto ditto, manufactured in pill and other small boxes	"		09		18		24		32
195	———Ditto ditto in masks	"		20		46		58		74
196	———Ditto ditto, in boxes adorned with paintings and gildings, for keeping jewelry, sweet meats, &c. &c. &c.	"	1	50	3	45	4	35	5	55
197	WAX, manufactured	"		15		34½		43½		55½
198	———Ditto ditto in masks	"	1	10	2	53	3	19	4	07
199	SHELLS, Tortoise inferior rough	"		20		46		58		74
200	———Ditto ditto manufactured though adorned with other materials	"		55	1	26½	1	59½	2	03½
201	———Ditto, superior, rough	"	1	10	2	53	3	19	4	07
202	———Ditto ditto, manufactured, though adorned with other materials	"	3	80	8	74	11	02	14	06
203	CORK, rough and manufactured	"		01 11/20		03 3/20		04 1/5		05 11/20
204	STAYS, of all sorts	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
205	MUSICAL INSTRUMENTS CHORDS, single or common catguts	per kilog.	1	25	2	87½	3	62½	4	62½
206	———Double or superior ditto	"	2	50	5	75	7	25	9	25
207	———Silk and metallic	"		30		69		87	1	11
208	OIL CLOTHS, Silk in whole pieces or aprons, chin cloths or any other shape	"		40		92	1	16	1	48
209	———Common for table covers or any similar use	"		06 15/20		13½		18		24
210	———Ditto for flooring	"		02 7/10		05 2/5		07 1/5		09 3/5
211	CANDLES, Sperm and stearic	"		05 3/10		10 3/5		14 3/5		18 4/5
212	ARTIFICIAL FLOWERS, paper, linen, silk and of any other stuff, loose, in bunches and garlands	"	1		2	30	2	90	3	70
213	MATCHES, of all kinds, including scented for cigars, with inside package	"		22½		45		60		80
214	BELLOWS, forge bellows	"		01 7/20		02 7/10		03 3/5		04 4/5
215	———hand ditto	"		06 3/10		12 3/5		16 4/5		22 2/5
216	GUTTA-PERCHA GOODS, Plates, machinery belts, hoses and other similar articles	"		09 4/5		19 11/20		26 1/10		34 4/5
217	———Shoes, boots, spatterdashes, carpet bags, life preservers, and other similar articles	"		13½		27		36		48
218	———Waterproofs, with cotton & linen	"		30		69		87	1	11
219	———Ditto, with woolen	"		49½	1	03 19/20	1	30½	1	66½
220	———Ditto, with silk	"		90	2	07	2	61	3	33
221	———Vulcanized, combs, head adornments, tooth, nail and jewelry brushes, penholders and other similar articles though combined with other materials as metals and bone	"		50	1	15	1	45	1	85
222	———Catheters, syringes, bands for keeping papers, nipples, letter weighers and all similar articles though combined with any other material	"		80	1	84	2	32	2	96
	N. B.—For all other fancy articles of less weight, such as finger and ear-rings bracelets, &c. &c., see item 233.									
223	BONE AND HORN GOODS, (excepting buffalo and ivory) rough-buttons, and moulds for same of the commonest kinds, horse combs, and other similar articles, of about same weight	"		09		18		24		32
224	———Polished-buttons, moulds for same, hair combs, tooth, nail and jewelry brushes, mouth pieces and other similar articles, though combined with other materials	"		35		80½	1	01½	1	29½
225	MUSICAL INSTRUMENTS, cornets, of all classes, bases, drums, trumpets, clarinets, hautboyes, flutes, fifes, guitars, bandores, pandores, viols, fiddles and others of similar class and weight	"		50	1	15	1	45	1	85
226	———Of larger size, violonchellos, counter-basses, drums and kettle drums	"		20		46		58		74
227	———Pianos, piano-fortes, pianinos, upwright	each	20		46		58		74	
228	———Ditto square	"	35		80	50	101	50	129	50
229	———Seraphines, organs, music boxes and others not mentioned in above articles	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
	N. B.—Weight of cases containing musical instruments will be deducted and duty on them levied according to the materials to which they belong.									
	N. B.—Mouth and other extra pieces will be dutied according to the instruments to which they belong.									
	N. B.—Small seraphines, up to one octave, will be dutied as item 233.									
230	SOAP, common classes	per kilog.		01 11/20		03 3/20		04 1/5		05 11/0
231	ENGINES, steam, hydraulic, electric, and all others used as motors, implements, apparatus and machinery for whatever purpose and of whatever materials	ad valorum	4	Per cent.	6	Per cent.	8	Per cent.	10	Per cent.
	N. B.—Duties on plows machinery, sewing machines and other implements, according to order of 21st of April 1871, will be levied as per item 231.									
———	RAIL ROAD STOCK, elbows, waggons, locomotives, rails, nails, layers, switches, platforms, signs, water tanks, ticket machines, do for straightening rails, iron bridges and roofs, wires and telegraphic apparatus	"	Free.		Free.		4	"	6	"
232	IVORY, billiard balls, combs, clothes, head, tooth, nail and jewelry brushes, penholders, paper cutters, and other similar articles	per kilog.	1	70	3	91	4	93	6	29
233	———Mercers goods, toys and all other fancy articles not mentioned elsewhere	ad valorum	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
234	MOTHER OF PEARL, buttons, shirt, vest, pants and coat	per kilog.		45	1	03½	1	30½	1	66½
235	———Brushes, head tooth, nail, and jewelry, buckles, combs, penholders, paper cutters, and other similar articles, though adorned with other materials	"	2	60	5	98	7	54	9	62
236	WAFERS, starch, gum or any other class, inside package included	"		40		92	1	16	1	48
237	PAPER, writing, drawing painting, cigarette and velum-lace of all classes	"		04 9/10		09 4/5		13 1/20		17 2/5
238	———Copying, china, blotting, marbled, granitel and other similar fancy kinds	"		09 4/5		19 11/20		26 1/10		34 4/5
239	———Copying, vegetal, embroidering and silvered and gilt inferior	"		21 15/20		50		63 1/20		80 9/20
240	———Silvered and gilt, superior	"		86 19/20	2		2	52 3/20	3	21 15/20
241	———Printing, inferior white as used for news-papers	"		1 3/20		02 7/20		03 3/20		04 1/5
242	———Ditto superior ditto and colored of all descriptions, such as used for wrapping	"		3½		07 1/20		09 2/5		12 1/20
243	———Wrapping, fine brown, as used in drug-stores	"		01 11/20		03 3/20		04 2/5		05 11/20
244	———Ditto American yellow and British grey, common sorts, tarred	"		01 1/10		02 3/20		02 17/20		03 4/5

Mercery, small wares,

AND SUNDRY ARTICLES AND MANUFACTURES NOT OTHERWISE MENTIONED.

(CONTINUED.)

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	SPANISH PRODUCTION. FOREIGN FLAG. $.	FOREIGN FLAG. Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN PRODUCTION. FOREIGN FLAG. $.	FOREIGN FLAG. Cts.
245	——Light brown, as Manilla and such sorts	per kilog.	.....	03½	.....	07 1/20	.....	09 2/5	.....	12 11/20
246	——Hanging, plain	»	.....	04	.....	09 1/5	.....	11 3/5	.....	14 4/5
247	——Ditto, gilt, silvered and velveted	»	.....	08	.....	18 3/20	.....	23 1/5	.....	29 3/5
248	——Lead, tin, rag, and sand	»	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
249	——Paper prepared for any use, and in blank, as small books for cigarettes, cut for bouquets and sweet meats, sreens, envelopes and other similar articles will pay as above, with an extra duty of 50 per cent.		.....	.....	.....	.....	.....	.....	.....	.....
250	——On printed and lithographed, as news papers, books, and maps, duty will be levied according to binding	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
251	——Ditto, ditto, of one color, as labels, for cigars and cigarettes	per kilog.	.....	05	.....	11½	.....	14½	.....	18½
252	——Chromes and lithographs of several colors	»	.....	10	.....	23	.....	29	.....	37
253	——Printed, lithographed and engraved, painted or not	»	.....	15	.....	34½	.....	43½	.....	55½
254	——Books, blank and ruled, of all classes, bound or not, with or without metalic edges, will be dutied as per item they belong to with an extra duty of 50 per cent.		.....	.....	.....	.....	.....	.....	.....	.....
255	PERFUMERY, oils, pomatums, cosmetics, inside package included	»	.....	06¼	.....	14 2/5	.....	18 3/20	.....	23 3/20
256	——Toilet waters and extracts; inside package included	»	.....	04	.....	09 1/5	.....	11 3/5	.....	14 4/5
257	——Soaps when packed separate, inside package included	»	.....	14½	.....	33 7/20	.....	42 1/20	.....	53 13/20
258	——Ditto when put up 3 or more in each package	»	.....	04½	.....	10 7/20	.....	13 1/20	.....	16 13/20
259	——Tooth powders and pastes, face white and red paints, including inside packages	»	.....	22	.....	50 3/5	.....	63 4/5	.....	81 2/5
260	——Rice powder, egg & shell cascarillas, and other similar articles, including inside package	»	.....	04½	.....	10 7/20	.....	13 1/20	.....	16 13/20
261	PAINTS, ground and prepared in oil, of all classes	»	.....	00 9/10	.....	02 1/20	.....	02 3/5	.....	03 7/20
262	——Ditto, common classes, as ochre, red do, Spanish white (carbonate of lime)	»	.....	00¼	.....	00 3/5	.....	00 4/5	.....	01
263	——Ditto, superior to above, as raw, calcined, violet or rotten terra de Sienna, Italian umber, white lead and zinc	»	.....	00 13/20	.....	01½	.....	01 9/10	.....	02 2/5
264	——Ditto, superior to above, as red lead	»	.....	01	.....	02 5/20	.....	02 17/20	.....	03 13/20
265	——Ditto, superior to above, as China white, (carbonate of fine lead), and artificial blue ochre	»	.....	01 13/20	.....	03 15/20	.....	04 15/20	.....	06 01/20
266	——Ditto, superior to above, as Dutch & British vermillions, chromic yellow and fine green (oxide of copper)	»	.....	02 17/20	.....	06½	.....	08 1/5	.....	10 9/20
267	——Ditto, superior classes of all sorts, as blue, carmine, China vermillion and other similar descriptions	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
268	MINING POWDER and wicks in bbls. and other large packages	per kilog.	.....	03 3/20	.....	06 5/20	.....	08 7/20	.....	11 3/20
269	——in tins and other small packages	»	.....	05 13/20	.....	13	.....	16 2/5	.....	20 9/10
270	WATCHES, wooden, iron and other metals (except silver and gold,) either fine or common	ad valorum	9	Per cent.	18	Per cent.	24	Per cent.	32	Per cent.
	N. B.—On gold and silver watches duties will be levied as on jewels of same metals.									
271	TALLOW CANDLES	per kilog.	.....	02 7/20	.....	04 7/10	.....	06 5/20	.....	08 7/20
272	HATS, CAPS, &c., common palm hats as used by negroes on sugar estates	per dozen.	.....	13½	.....	27	.....	36	.....	48
273	——Straw of all classes, unshapped, unlined, and untrimmed, up to 4 filaments per 6 square millimeters	»	.....	54	1	08	1	44	1	92
274	——Ditto, ditto, of from 4 to 6 do. do	»	1	08	2	16	2	88	3	84
275	——Ditto, ditto, of more than 6 ditto, ditto	»	3	24	6	48	8	64	11	52
276	——Ditto, ditto, shaped and either lined and trimmed or not, will pay an extra duty of 100 per cent.		.....	.....	.....	.....	.....	.....	.....	.....
277	——Felt, of common kinds, horse hair, oil cloth, leather and other similar classes such as used by watch and fire-men	per dozen.	.....	54	1	08	1	44	1	92
278	——Beaver, silk, cloth and other similar classes for either men or women	»	2	43	4	86	6	48	8	64
279	——Hats and caps, velveted, straw, cotton, oil cloth and leather for children.	»	.....	67½	1	35	1	80	2	40
280	——Ditto, ditto, silk and woolen, for same	»	1	08	2	16	2	88	3	84
281	TOBACCO, chewing of all classes	per kilog.	.....	03 19/20	.....	07 9/10	.....	10½	.....	14
282	——Ditto, snuff and other manufactured allowed to be imported here	»	.....	19 11/20	.....	39 3/20	.....	52 1/5	.....	69 11/20
283	INKS, writing, and liquid or solid boot & shoe black	»	.....	01 3/5	.....	03 3/20	.....	04 1/5	.....	05 3/5
284	——Printing	»	.....	01 19/20	.....	03 18/20	.....	05 1/5	.....	06 19/20

Metals.

285	STEEL, plates and bars	»	.....	01 11/20	.....	03 3/20	.....	04 1/5	.....	05 11/20
286	——Pieces for watch-makers	ad valorem	4	Per cent.	6	Per cent.	8	Per cent.	10	Per cent.
287	——Files, rasps and other tools of similar classes	per kilog.	.....	04½	.....	09	.....	14	.....	16
	N. B.—The above duties will be levied only on articles manufactured of pure steel; and on others where steel is combined with iron they will be levied as on the latter metal.									
288	COPPER, Brass, Latten and Dutch Gold plates	»	.....	04 1/10	.....	08 1/5	.....	10 19/20	.....	14 3/5
289	——Ditto, polished, wire, bars, rivets and nails	»	.....	04 9/10	.....	09 4/5	.....	13 1/20	.....	17 2/5
290	——Door knockers, bells of all sizes, beds, craddles, chains, nails, corks, scales, sieves, hinges, and other similar articles, including adhering iron and wooden parts	»	.....	05 4/5	.....	11 11/20	.....	15 2/5	.....	20 11/20
291	——Grasps, rings, gingles, curtain headings, buttons, locks & pad-locks, spitoons, clothe rakes, bolts, tubes, pins, hooks & eyes, and other similar articles; though combined with iron	»	.....	09 9/10	.....	19 4/5	.....	26 2/5	.....	35 1/5
292	——Cruets, bridle-curbs, lock escutcheons, beer pumps, dog collars, lamps of all classes, patent pullies, table springs, thimbles and other similar articles though combined with iron or steel	»	.....	18	.....	36	.....	48	.....	64
293	TIN, block, bar and foil	»	.....	03 9/10	.....	07 17/20	.....	10 9/20	.....	13 9/10
294	IRON, Cast, pig	100 kilogs.	.....	09 4/5	.....	19 11/20	.....	26 1/10	.....	34 4/5
295	——Portable stoves, plates, caldroons, furnaces, doors and hatches for same, tubes and other similar articles	per kilog.	.....	00 3/5	.....	01 3/20	.....	01 11/20	.....	02 1/10
296	——Forged, tinned, enameled, and galvanized, or untinned, unenameled and ungalvanized, slewpans, coffee-pots, skiflets, colanders, buckets, spoons, skimmers, cooking and chamber pots, pans, washing basins, fish kettles, frying & patty pans, roasting cylinders and other similar articles	»	.....	01 11/20	.....	03 3/20	.....	04 1/5	.....	05 11/20

Metals.

(CONTINUED.)

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.
297	Cast, hinges, balls, balconies, cooking stoves, columns, water tanks, stair cases, and other similar objects for buildings; also, sarcophagus, garden sofas, and other similar articles.	per kilog.	00	4/5	01	11/20	02	1/10	02	4/5
298	Forged, in same articles of above item	»	01	3/20	02	7/20	03	3/20	04	1/5
299	Cast and forged nails	»	01	1/10	02¼		03		04	
300	———Wires, anchors, steam and kedge do, hand mills, rails, anvils, mauls and other similar articles	»	00	4/5	01	11/20	02	1/10	02	4/5
301	———Coopying hand presses	»	01	19/20	03	9/10	05	1/5	06	19/20
302	———Forged round and square rods, railings, trunnels, cleats, hoops plates prepared for putting up tanks, clarifiers, roofs, floorings, plateforms and other similar purposes	»	00½		01		01	3/10	01	15/20
303	———Galvanized, in same articles of above item	»	01	3/20	02	7/20	03	3/20	04	1/5
304	———Plates, cut or prepared for sugar moulds	»	00	1/5	00¼		00	7/20	00	9/20
305	———Forged padlocks, locks and bolts, though with small other metal parts	»	02	15/20	05½		07	3/10	09	15/20
306	Forged and cast common horse stiff and snaffle bits, spurs, stirrups, unpolished & with or without any small ordinary metal plates	»	05	17/20	11	15/20	15	13/20	20	17/20
307	———Same as above, polished, bronzed, gilt, silvered and platinated	»	19	11/20	45		56	15/20	72	2/5
308	———Hooks & eyes, handles, knockers, rings, with or without screw and bolt, large fishing hooks, screws of all sorts, more than 3 inches lenght, harpoons, door bolts and hindges, horse shoes, latches, pullies & carriage builders and saddlers linchpins, handles, rings, steps, hooks, buckles, springs crews & bolts, braces and all other similar articles	»	01	3/20	02	7/20	03	3/20	04	1/5
309	———Same as above, bronzed, gilt, silvered, and platinated, of common classes	»	04	9/10	09	4/5	13	1/20	17	2/5
310	———Same as above, of superior classes	»	17	2/5	40		50	2/5	64	7/20
311	———Chains up to ¼ inch links	»	01	15/20	03½		04	7/10	06¼	
312	———Ditto, of more than ¼ do	»	01		01	19/20	02	3/5	03	9/20
313	———Waiters & trays, money, paper and jewelry boxes, and other similar articles, not specified elsewhere	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
314	———Fishing hooks	per kilog.	09	9/10	19	4/5	26	2/5	35	1/5
315	———Beds, cots & craddles, with or without metal adornments, columns included	»	01	4/5	04	3/20	05	1/5	06	13/20
316	———Ditto plated and imitation of copper metal, will pay an extra duty of 100 per cent.									
317	———Sieves and rat traps with wire cages, wooden parts included	»	02	15/20	05½		07	3/10	09	15/20
318	———Dish covers and food-safes	»	07	3/5	17½		22	1/20	28	3/20
319	———Spice and coffee hand mills, with iron or wooden box	»	03	3/5	07	1/5	09	3/5	12	4/5
320	———Ditto, ditto, unmovable, with or without fly wheel, for grinding coffee, and corn shellers	»	01	4/5	03	3/5	04	4/5	06	2/5
321	———Wire netting	»	01	15/20	03¾		04	7/10	06¼	
322	———Screws for hindges and other similar objects, up to 3 inches length	»	02	15/20	05½		07	3/10	09	15/20
323	———Hair pins, varnished or not	»	01	4/5	03	3/5	04	4/5	06	2/5
324	———Ditto, with or without steel point, and as those generally imported unvarnished	»	06		13	4/5	17	2/5	22	1/5
325	———Pack needles, larding pins, punches, and shoemakers' awls	»	22½		28	15/20	36¼		46¼	
326	———Leather cutters, (shoemakers')	»	08½		19	11/20	24	13/20	31	9/20
327	———Thimbles	»	07½		17¼		21	15/20	27	17/20
328	———German canvass and common sewing needles	»	25		57½		72½		92½	
329	———British sewing do	»	1	50	3	45	4	35	5	55
330	———Steel pens	»	62½		1	43 15/20	1	81¼	2	31¼
	N. B.—On watch chains, key rings, and other similar steel or polished iron articles, not specified, duty will be levied as per item 233.									
331	Tools, common classes for agricultural or other purposes, such as plough shares, pickaxes, spades, hoes, rakes & harrows	»	00	4/5	01	3/5	02	1/10	02	4/5
332	———Knives, for chopping wood, Belgian and German ditto of three grooves with or without sheath, and other similar classes	»	02	7/10	05	2/5	07	1/5	09	3/5
333	———Ditto, or superior classes, or matchets or cutlasses cutting sugar cane	»	04½		09		12		16	
334	———Instruments of a general use, as hatchets, axes, adzes, and trowels	»	04	1/20	08	1/10	10	4/5	14	2/5
335	———Cutlasses, or matchets, of such classes as Collins, which, though denominated as chopping, can be used for other purposes, imitation of the above mentioned also included	»	10	3/20	20¼		27		36	
336	———Hammers, carpenters, coopers, masons, shoe-makers and stone, tongs shovels, cold chisels, coopers' punches and other similar articles	»	02	1/10	04¼		05	13/20	07½	
337	———Knives, Carpenters', coopers' and tanners', common planes, Jack, smoothing, rabbet & round ditto jointers, and other similar classes, wooden parts included	»	03	1/10	06	1/5	08	3/10	11	1/20
338	———Chisels, of all classes, augers, compasses, sickles, pliers, screw drivers of all classes, hollow punches, saw sets, hand vices, squares, fleams, calking tools, loose blades for planes and other similar tools	»	05	2/5	10	4/5	14	2/5	19	1/5
339	———Knives, carving and table with or without forks, with horn, bone, whale bone, iron or wooden handles	»	06	15/20	13½		18		24	
340	———Ditto, ditto, with ivory, turtoise shell, mother of pearl and silvered or gilt handles	»	22½		45		60		80	
	N. B.—On pen knives and razors, duty will be levied as per item 233.									
341	———Screw augurs, without handles, trunneldrivers, and common augurs with wooden handles	»	04½		09		12		16	
342	———Ditto, with handles, carpenters' breast bits with and without augurs and augurs for same	»	12	2/5	24	17/20	33	1/10	44	3/20
343	———Saws, without frame, and pit	»	04	1/20	08	1/10	10	4/5	14	2/5
344	———Hand, of all classes and circular and vertical for mills	»	08	11/20	17	1/10	22	4/5	30	2/5
345	———Screw plates, of all sizes	»	15		34½		43½		55½	
346	———Shears, cast iron of all sizes including tinners' unmovable	»	04	9/10	09	4/5	13	1/20	17	2/5
347	———Wrought iron ditto, ditto	»	18		36		48		64	
348	———Scissors, steel, and brunished, sewing, assorted, common classes	»	86	19/20	2		2	52 3/20	3	21 15/20
349	———Ditto, ditto, superior	»	1	52 1/5	3	50	4	41 3/10	5	63 1/20
350	——— Tailors' and garddeners' ditto	»	39	3/20	78	3/10	1	04 2/5	1	39 1/5
351	———For sheering animals and other similar purposes	»	11	1/5	22½		30		40	

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON SPANISH PRODUCTION. FOREIGN FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. FOREIGN FLAG. $.	Cts.
	Metals. **(CONTINUED.)**									
352	——Arms, fire and steel	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
353	——Scales & steelyards, of all sorts	»	9	»	18	»	24	»	32	»
354	TIN PLATE, in sheets	per kilog.	 01	7/20	 02	15/20	 03	13/20	 04	17/20
355	——Oil cans and cruets, basins, candlesticks, sugar dishes, cooking pans, coffee and chocolate pots, candle snuffers, funnels, spitoons, jars, bathing tubs, cake moulds, pitchers, plates and dishes, lamp refractors, spoons, skimmers and other similar articles	»	 04	9/10	 09	4/5	 13	1/20	 17	2/5
356	GOLD, plate, jewels and watches	ad valorem	5	Per cent	5	Per cent.	5	Per cent.	5	Per cent.
357	PEWTER, manufactured of all classes, unplated	per kilog.	 08	1/10	 16	1/5	 21	3/5	 28	4/5
358	——Ditto ditto, plated	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
359	SILVER, plate, jewels and watches	»	5	Per cent.	5	Per cent.	5	Per cent.	5	Per cent.
360	LEAD, pigs, sheets, balls and tubes	per kilog.	 01	1/10	 02	3/20	 02	17/20	 03	4/5
361	——Toys, bottle caps and other similar articles	»	 04	9/10	 09	4/5	 13	1/20	 17	2/5
362	ZINC & CALAMINE, pigs	»	 01		 01	19/20	 02	3/5	 03	9/20
363	——Plates or sheets	»	 01	1/4	 02	11/20	 03	2/5	 04	11/20
364	——Nails	»	 01	19/20	 03	9/10	 05	1/5	 06	19/20
365	——Lamps, either wall, roof or table, polished and bronzed and printing types	»	 08	11/20	 17	1/10	 22	4/5	 30	2/5
	Textile goods, or fabrics.									
366	ABACA AND YUCATAN GRASS, Raw	»	 00	4/5	 01	11/20	 02	1/10	 02	4/5
367	——In tackles &c., tarred or untarred	»	 01	19/20	 03	9/10	 05	1/5	 06	19/20
368	——Ropes, of all other sorts	»	 02	15/20	..... 05½		 07	3/10	 09	15/20
369	——Abaca and Yucatan Grass textures, as sacks or bags, sewed or unsewed, or in pieces	»	 02	9/20	 04	9/10	..... 06½		 08	7/10
370	——Hammocks, of above materials	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
371	COTTON, Raw	per kilog.	..... 02¼		..... 04½		 06		 08	
372	——Wicks, candle & tapers	»	 02	19/20	 05	17/20	 07	4/5	 10	9/20
373	——Ditto, for pocket cigar lighters	»	 19	11/20	 39	3/20	 52	1/5	 69	11/20
374	——Buckram	»	..... 12½		 25	1/20	 33	2/5	 44	11/20
375	——Sewing thread, white and colored, including weight of inside package and spool when any	»	..... 13½		 27		 36		 48	
376	——Cotton waste for cleaning machinery	»	 02	15/20	..... 05½		 07	3/10	 09	15/20
377	——Ditto small wares, as lace, tapes, braids, &c., with wooden fixings	»	 24	15/20	..... 49½		 66		 88	
378	——Ditto ditto, with iron or copper, or small braids or shoe laces, with copper ends	»	..... 13½		 27		 36		 48	
379	——Cotton textures, Plain, smooth, raw, white or dyed, as madapollams, rouans, calico, nankeen, platillas, covered with cotton unteased, and other analogous textures of up to 10 threads	»	 05	13/20	..... 11¾		 15		 20	
380	——The above, of from 11 to 16 threads	»	 07	2/5	 15	15/20	 21		 28	
381	—— Ditto, of from 17 to 22 threads	»	 12	1/20	 27	15/20	 35		 44	13/20
	N. B.— Of 23 threads and upwards, see items 386 to 394.									
382	——Plain and smooth, printed, listados, or those which threads have been dyed before weaving, as cotton calicoes, ditto cambrics, linen ditto, madder prints, steam do, shirting do, listado and similar kinds, of up to 12 threads.	»	 09	15/20	..... 19½		 26		 34	13/20
† 383	——The above, of from 13 to 16 threads	»	 11	4/5	 23	13/20	..... 31½		 42	
384	——Ditto, of from 17 to 20 threads	»	 17	2/5	 40	1/20	..... 50½		 64	9/20
385	—— Ditto, of from 21 to 22 threads	»	 22	2/5	 51	11/20	 65		 82	19/20
	N. B.—Of upwards of 22 threads, see items 386 to 394.									
386	——Light goods, fine or common, close, tight or thick and also open woven. or fine textures termed light or not; and all those containing from 23 threads upwards, plain smooth or worked in the loom, white, printed or dyed, as muslins, jacconets, commonly called here «chaconada» *organdi* and cambrics, lawns, ginghams, and the so called «lining muslins,» all of up to 8 threads...	»	 12		 28		 35		 43	
387	——The above, of from 9 to 12 threads	»	 20	11/20	 48		 60		 73	7/10
388	——Ditto, of from 13 to 16 ditto	»	 34	3/10	 80		1		1 22	17/20
389	——Ditto, of from 17 to 22 ditto	»	 41	3/20	 96		1 20		1 47	9/20
390	——Ditto, of from 23 to 28 ditto	»	 51	9/20	1 20		1 50		1 84	3/10
391	—— Ditto, of from 29 to 34 ditto	»	 68	11/20	1 60		2		2 45	7/10
392	——Ditto, of 35 threads and upwards	»	 85	7/10	2		2 50		3 07	3/20
393	The textures included in preceding items 386 to 392, embroidered by hand or in the loom, or otherwise adorned, will pay as per their respective item, with 20 per cent extra.	.....	.....		.....		.....		.....	
394	——The same textures embroidered by hand or in the loom, or adorned with silk or wool	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
395	——Tulle, plain, flowered or embroidered, white or colored, of up to 5 threads	per kilog.	..... 34½		 79	3/10	1		1 27	3/5
396	——The same, of upwards of 5 threads		1 03	9/20	2 37	19/20	3		3 82	15/20
397	——Laces, Beggars	»	 31	1/20	 71	2/5	 90		1 14	17/20
398	——Ditto, lightest sorts, of all classes, plain, worked or embroidered, white or colored	»	 68	19/20	1 58	3/5	2		2 55	3/20
399	——Network, as shawls, head ornaments and such goods	»	..... 34½		 79	3/10	1		1 27	3/5
400	——Textures, quilted, and vesting plain or worked white or colored	»	..... 34½		 79	3/10	1		1 27	3/5
401	——Ditto, twilled, &c., white, printed, or colored of common class, such as canvass or duck, raven's duck, lampwick and analogous textures	»	..... 07½		 15		 20		 26	13/20
402	——Ditto, of more superior classes than the above, such as drils, &c., flowered or damasklike, and as damask and calico or madapollam cross twilled	»	 13	3/20	..... 26¼		 35		 46	13/20
403	——Ditto, in stocking net work, as undershirts, stockings (hose and half hose). gloves, drawers, caps and in any other shape	»	 48	15/20	..... 97½		1 30		1 73	7/20
404	VELVET, SHAG, AND CARPET LIKE TEXTURES, carded, or teased textures, as moleton and blankets, crude, white or colored	»	..... 07½		 15		 20		 26	13/20
405	—— Velvet like textures, as velveteens, plain or worked	»	 20	7/10	... 47	3/5	 60		 76	11/20
406	——Shag textures, cut, or carpet pieces, shawls and other such articles	»	 25		..... 57½		..... 77½		..... 92½	
407	——Ditto ditto, uncut, as shawls and towels as those called turkish»	»	..... 15½		 35	7/10	 45		 57	2/5
408	——Tapes & ribbons: tapes, white or colcred	»	.... 11¼		..... 22½		 30		 40	

Textile goods, or fabrics.

(CONTINUED.)

Classification of Items		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	SPAN. FLAG. Cts.	FOREIGN FLAG. $.	FOREIGN FLAG. Cts.
409	——Ditto and ribbons, plain or worked, white or colored, for bonnets and dresses, even if velveteen or cotton velvet	per kilog.	34½		79 3/10		1		1	27 3/5
410	——Ditto, ditto, of other classes, as those used for boots and bridles or reins.	"	13 3/20		26¼		35		46	13/20
	——Hand kerchiefs, in pieces or loose, with or without fringes with no hand work, will pay as the above items.									
411	——Ditto, hemmed, or adorned with some handwork, will pay as above, with 20 per cent extra.									
	—— Ditto, eye hemmed, or with inlaid work, will pay as follow:									
412	——Of from 1 to 17 threads	"	44 17/20		1 03 1/10		1 30		1 65	17/20
413	——Ditto ditto, 18 to 20 ditto	"	65¾		1 50 7/10		1 90		2 42	2/5
414	——Ditto, ditto, 21 to 22 ditto	"	87 19/20		2 02¼		2 55		3 25	7/20
415	——Ditto, ditto, 23 ditto and upwards	"	1 31 1/20		3 01 2/5		3 80		4 84	17/20
416	——Ready make clothing, in general, will pay as the textures of which they are made, with 100 per cent extra.									
	The counting of the threads in shirts, will be made on the bosom part, on the collar and wristbands.									
417	——Cotton shirts, with linen bosom, collar and wristbands, will pay as linen textures, with 50 per cent extra, the threads to be counted as in the preceding item, the same as if they had no cotton.									
418	——Cotton parasols and umbrellas	per dozen.	45		90		1 20		1 60	
419	——Texture, the base of which is india rubber (as cotton elastics)	per kilog.	30		60		80		1 06	13/20
420	HEMP, FLAX AND JUTE: raw, and oakum, tarred or untarred.	"	00 19/20		01 17/20		02½		03	7/20
421	——Cordage, or rigging, tarred or untarred	"	02 7/20		04 7/10		06¾		08	7/20
422	——Ropes, of all sorts	"	04 9/10		09 4/5		13		17	2/5
423	——Packthread	"	03 1/5		06 7/20		08½		11	7/20
424	——Twine, and crude untwisted thread, including shoemakers	"	06 15/20		13½		18		24	
425	——Twine, clean or whitened, and colored	"	09 19/20		19 17/20		26½		35	7/20
426	——Small wares	"	30		69		87		1 11	
427	——Crude textures although with colored stripes, plain, smooth or cross woven, as hemp-cloth, packing canvas, hessians, of up to 5 threads	"	01 9/10		03 15/20		05		06	13/20
428	——Ditto, ditto, plain & smooth crude, with or without colored stripes as osnaburgs, creguelas, or ticklemburgs, raven duck, russias, ghenting, hemp cloth and hessians, of 6 to 10 threads	"	05 13/20		11¼		15 9/20		20	
429	——The same as above, as bramantes, irish linen, holland do, platillas, colored and brown, and analogous textures of from 11 to 16 threads	"	11¼		22½		30		40	
430	——The same of upwards of 16 threads	"	17¼		39 13/20		50		63	4/5
431	——Brown textures, with or without colored stripes, cross woven or twilled, as duck and drills of all classes	"	11¼		22½		30		40	
432	——Plain and smooth textures, white, striped (listados) or dyed, of up to 9 threads	"	08 9/20		16 9/10		22½		30	
433	——Ditto, of from 10 to 12 ditto	"	12 7/10		25 7/20		32½		43	7/20
434	——Ditto, of from 13 to 16 ditto	"	17¼		39 13/20		50		63	4/5
435	——Ditto, of from 17 to 20 ditto	"	27 3/5		63 9/20		80		1 02	1/20
436	——Ditto, of from 21 to 23 ditto	"	34½		79 3/10		1		1 27	3/5
437	——Ditto, of from 24 to 27 ditto	"	44 17/20		1 03 1/10		1 30		1 65	17/20
438	——Ditto, of from 28 to 30 ditto	"	68 19/20		1 58 3/5		2		2 55	3/20
439	——Ditto, of from 31 upwards	"	1 03 9/20		2 37 9/20		3		3 82¼	
440	——Light textures, as French and English lawns and similar goods, will pay as the above items, with 60 per cent extra.									
441	——Thick or heavy ditto, shirting, silesia and such linens, will pay as above, with 20 per cent extra.									
442	——Twilled or cross woven textures, damask-like, flowered, white, printed, dyed or striped, as drills, damasks, and that called «jipijapa,» and analogous in pieces, napkins, table-cloths and towels	"	22½		45		60		80	
	Tapes, or ferret ribbons, for boots, girths, &c, will pay, as per preceding items.									
443	——Stockingnet textures, as stockings, gloves, undershirts, drawers and such goods, of common class, or with seams	"	18 15/20		37½		50		66	13/20
444	——Ditto, ditto, fine, or without seams	"	86 1/5		1 98¼		2 50		3 18	19/20
445	——Tulles, or net, laces, embroidered bands and all classes of embroidered textures	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
446	——Handkerchiefs, without seams, will pay by asimilation as the textures of this section with 20 per cent extra.									
447	——Ditto hemmed, will pay as above with 50 per cent extra.									
448	——Ditto with edges, though made in the loom, will pay as above, with 100 per cent extra.									
449	——Ready made cloting, in general, and shirts plain or embroidered in the loom, will pay as the textures of this section, with 100 per cent extra.									
	The threads in the shirts will be counted in the bosom, collar and wristbands.									
450	——Shirt bosoms, collars, wristbands and trimmings, and such goods will pay as the textures of this section, with 250 per cent extra.									
451	——Textures and ready made clothing with embroideries made by hand	"	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
452	HAIR, HORSE DITTO, BRISTLE AND WOOL: Bristles	per kilog.	65½		1 50 7/10		1 90		2 43	2/5
453	——Horse hair, for pillows, cushions, &c	"	05 9/10		11 4/5		15 15/20		21	
454	——Horse hair textures, plain cross woven or twilled, for furniture covers, sieves, &c	"	16 2/5		37 13/20		47½		60	3/5
	——Cigar cases, waterfalls, paddings, &c, see item 233.									
455	——Wool, stuffing, or waste used generally by saddlers	"	01¼		02 11/20		03 7/20		04½	
456	——Ditto, long, or twised, and in small wares in general, all worsted or union, buttons, tassels, laces, fringes, galoons, braids, sashes, tape, and such articles, with or without wooden spools or frames	"	32 3/5		74 19/20		94½		1 20	11/20
457	——The same, with iron or other metal spools or frames	"	15		33½		43½		55½	
458	——The same, adorned with bugles or beads	"	35		80½		1 01½		1 29½	
459	——Textures, of pure wool, plain, as alpaca, orleans, muslin, bombazette, and other analogous, of up to 10 threads	"	25		57½		72½		92½	
460	——Ditto, of 11 to 16 threads	"	45		4 03½		1 80½		1 66½	
461	——Ditto, of 17 to 20 ditto	"	60		1 38		1 74		2 22	

Textile goods, or fabrics.

(CONTINUED.)

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. Span. flag. $.	Span. flag. Cts.	Foreign flag. $.	Foreign flag. Cts.	DUTY ON FOREIGN PRODUCTION. Span. flag. $.	Span. flag. Cts.	Foreign flag. $.	Foreign flag. Cts.
462	——Textures, of 21 and more ditto	per kilog.	.....	90	2	07	2	61	3	33
463	——Ditto, light or transparent, as gauze or *barege*	»	1	32 15/20	3	05 7/20	3	85	4	91 1/5
464	——Ditto plain, cross woven or twilled, all worsted, as merino, light or double, cashmere-like or not, and analogous kinds as those called *alma*, serge, and *valpour* or Italian cloth	»	.....	60	1	38	1	74	2	22
465	——The same, union or mixed with cotton in the warp	»	.....	37½	.....	75	1	....	1	33 7/20
466	——Ditto, ditto, with silk ditto, ditto	»	.....	90	2	07	2	61	3	33
467	——Textures, plain or cross woven all worsted, haired on one or both sides, unfulled, as baize, coating, blankets, carded or not, & common woolen caps.	»	.....	10	.....	23	...	29	.....	37
468	——Ditto, ditto, union, or with cotton and hemp mixed in the warp, or with flax, jute, or wool waste	»	.....	07 1/20	.....	16¼	.....	20½	....	26 3/20
469	——Ditto, called pasted or gummed textures, as felt, composed of heterogeneous materials, the surface of which is wool, as saddle and horse blankets.	»	.....	04 3/10	..	09 9/10	.....	12½	....	15 19/20
470	——Cloth and cassimeres, all worsted; ordinary thick, called Pilot, Castor, and such	»	.....	29 3/10	.....	67 2/5	.....	85	1	08 9/20
471	——The same, with cotton mixed in the warp	»	.....	14 3/20	....	32½	.....	41	.....	52 3/10
472	——Cloths, cassimeres and woolen velvet, of such classes as are generally used for garments and are known as ladies cloth, *elasticotin*, satin, cassemere, and analogous kinds	»	.....	68 19/20	1	58 3/5	2	....	2	55 3/20
473	——The same, with cotton in the warp	»	.....	25 17/20	.....	59½	.....	75	....	95 7.10
474	——Textures, plain, crosswoven, twilled or damasklike, all worsted, as damasks, and analogous ones	»	....	40	.....	92	1	16	1	48
475	——The same, with cotton or hemp in the warp	»	....	30	.....	69	.....	87	1	11
476	——Textures, of other kinds, as Brussels camblet & flannel, all worsted	»	.....	25	....	57½	....	72½	.....	92½
477	——The same, with cotton or hemp in the warp	»	...	17¼	.....	39 13/20	...	50	.....	63½
478	——Plush textures, with cotton, wool or other material mixed in the warp as travelling blankets and shawls	»	.....	20	.....	46	.....	58	.....	74
479	——Stocking net textures, as undershirts, socks, stockings, gloves and caps, and goods otherwise shaped which do not constitute clothing made by hand.	»	.....	50	1	15	1	45	1	85
480	——Carpet textures, coarse frieze carpet, exclusive of fringes	per	....	05	.....	11½	.....	14½	.....	18½
481	——Brussels carpetting, crimped	square	....	09	.....	20 7/10	...	26 1/10	.....	33 3/10
482	——Ditto, ditto, cut or velvet-like	meter.	.....	14	.....	32 1/5	.....	40 3/5	.....	51 4/5
483	——Handkerchiefs, shawls, &c. will pay as the preceding items, according to class, with 30 per cent extra.		.....	.....	...	.....	.....	.....	.....	.....
484	—— Ribbon & tape, wool, or mixed with cotton, applied to saddlery, for girths, bridles, and such articles	per kilog.	.....	14 17/20	.....	29 7/10	.....	39 3/5	...	52 4/5
	The same, for general uses, will pay, as to class, by assimilation to the preceding textures.									
485	—— Ready make clothing, made of alpaca, orleans, merino, and other textures, except cloth, cassimere, and worsted, will pay as those respective textures, with 100 per cent extra.		.....	.....	.....	.....	.....	.....	.....	.....
486	——Ditto, of cloth, cassimere and worsted, will pay as those respective textures, with 200 per cent extra.		.....	.....	.....	.....	.....	.....	.....	.....
487	——Human hair, rough	per kilog.	2	24 3/20	5	15½	6	50	8	29 3/10
488	——Ditto, manufactured	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
489	SPARTO, OR SPANISH GRASS, JUNK AND OSIER: Osier, rough or prepared for chairs	per kilog.	.....	02 19/20	....	05 9/10	.....	07 17/20	..	10½
490	——Textures, of sparto, junk and osier, as baskets, seroons, mats and such objects	»	.....	01 7/20	.....	02 7/10	.....	03 3/5	.....	04 4/5
491	——Sparto, boiled or unboiled, as matting	»	.....	02¼	.....	04½	.....	06	.....	08
492	——Sparto, junk and osier, manufactured in large panniers, basket carriages for children, chairs, rocking chairs, sofas, beds, craddles, and other such objects and furniture of about same weight, including weight of their wooden part	»	.....	04½	.....	09	.....	12	.....	16
493	——Ditto, ditto, ditto, in table matting, small baskets, &c, weight of which do not exceed half a kilogram	»	.....	25	.....	57½	.....	72½	.. ...	92½
494	——Sparto, in fine ladies work baskets, flower ditto, and other such articles adorned with silk or any other material, of whatever weight	»	1	....	2	30	2	90	3	70
	SUNDRY STRAWS, Panama and such straw manufactured in hats. Also in cigar cases and such fancy articles, see item 233.									
495	PITTO OR SISAL THREAD, twisted in rope or rigging, bridles, carriage cords, and analogous objects	»	.....	10 17/20	.....	25	....	31½	....	40 1/5
496	——Textures, of all kinds	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
497	SILK, «NIPE» (OR PINE APPLE MUSLIN) &c: Silk, twisted or sewing, and flock	per kilog.	1	20	2	76	3	48	4	44
498	——Ditto, in small wares, or the same mixed with silk, buttons, tassels, strings, cord, fringes, galoons, braids, tapes, scarfs, and other analogous articles, with cotton, wool, flax, india rubber or wooden interior frames	»	.....	80	1	84	2	32	2	96
499	——The same, with iron or common metal ditto, ditto	»	.....	25	.....	57½	.....	72½	.....	92½
500	——The same, adorned with bugles or beads	»	.....	45	1	03½	1	30½	1	66½
501	——Textures, plain twilled, satin face, printed, brocaded or figured of whatever color and denomination, as Canton crape, satin, narrow India satin, moare, gros, serge, taffety, &c	»	2	39 3/20	5	50	6	98½	8	84 4/5
502	——Ditto, brocaded or embroidered in the loom, although adorned with corded silk, twist or plaited lace or other trimmings, including damasks	»	2	82 3/5	6	50	8	19 11/20	10	45 13/20
503	——Vesting and floss textures, plain, twilled or satin face like, printed, figured, or worked, of all colors and denominations	»	1	12 3/5	2	59	3	26 11/20	4	16 13/20
504	——The same, brocaded or embroidered in the loom, although adorned with corded silk, twist or plaited lace, or other trimmings	»	1	89 3/20	4	35	5	48½	6	99 4/5
505	——Light or transparent textures, with or without fringes or satin like embroidery, &c, taffety like, or in any other form, plain, figured or embroidered in the loom	»	5	65	12	99½	16	38½	20	90½
506	——The same, made of floss, as crape and such textures	»	3	.....	6	90	8	75	11	10
507	——Velvet and plush textures, plain, printed, dyed, listados, or figured	»	5	43½	12	50	15	76 1/10	20	10 9/10
508	——Velvets, embroidered in the loom	»	7	27 1/5	16	72½	21	08 4/5	26	90 11/20
509	——Tulles, or net, plain, worked or figured, or open worked	»	2	17 2/5	5	.....	6	30 9/20	8	04 7/20
510	——Ditto, embroidered in the loom	»	5	.....	11	50	14	50	18	50

Classification of Items.		Weight, Measure, &c.	DUTY ON SPANISH PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON SPANISH PRODUCTION. FOREIGN FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. SPAN. FLAG. $.	Cts.	DUTY ON FOREIGN PRODUCTION. FOREIGN FLAG. $.	Cts.
	Textile goods, or fabrics. **(CONTINUED.)**									
511	——Lace, broad and narrow blond ditto, plain, worked, or embroidered, in the loom	per kilog.	8	69 11/20	20	.....	25	21 15/20	32	17 2/5
512	——Ditto, knitted, by hand	ad valorem	10	Per cent.	23	Per cent.	29	Per cent.	37	Per cent.
513	——Textures, silk lace netting, of any class, plain or embroidered in the loom, manufactured in undershirts, caps, stockings, socks and such articles analogous in weight	per kilog.	4	13 1/20	9	50	11	97 7/20	15	28¼
514	——Ditto, manufactured in purses, gloves, mittens, and such articles analogous in weight	"	5	80 1/5	13	.....	16	39 1/10	20	91 3/10
515	——Ditto, the principal part of which is india rubber (as silk elastics)	"	.....	55	1	26½	1	59½	2	03½
516	——Hankerchiefs, of raw silk, called here India	"	1	75 13/20	4	04	5	09 2/5	6	49 9/10
517	——Ditto, of ferret silk, or floss ditto	"	.....	82 3/5	1	90	2	39 11/20	3	05 13/20
518	——Ditto, and cravats or neck cloths, of more superior material than the above, as satin, taffety, gros, moaré, serge, gauze and pine apple muslin, plain or embroidered in the loom, will pay as satin face like, twilled and such textures, or as light or transparent ditto, with 30 per cent extra ..... Shawls, and analogous articles will pay as above, without extra duty.	.....	.....	.....	.....	.....	.....	.....	.....	.....
519	——The same, as the two preceding paragraphs, embroidered by hand	ad valorem	10	Per cent	23	Per cent.	29	Per cent.	37	Per cent.
520	——Ribbons and tapes, plain, brocaded, or embroidered in the loom; twilled, satin like, printed or figured, of all colors and denominations, made of silk, union or mixed	per kilog.	2	80	6	44	8	12	10	36½
521	——Ditto, ditto, of ferret and floss silk	"	1	75	4	02½	5	07½	6	47½
522	——Ditto, ditto, for girths, bridles, and carriage garnitures, which do not correspond to the branch of small wares; brocaded, or mixed with silk, and worsted, flax or linen, and cotton, or with any other material more inferior than silk	"	.....	34½	.....	70 3/10	1	.....	1	27 3/5
523	——Mosquito bars or nets, of gauze, with or without cords or strings, and rings	"	.....	30	.....	69	.....	87	1	11
524	——Umbrellas, silk, or union, of more than 418 milimeters	"	2	40	5	52	6	96	8	88
525	——Parasols, of up to 418 milimeters	"	3	60	8	28	10	44	13	32
526	——Ready made clothing, as mantillas or scarfs, shawls, large ditto, veils, tippets, Telmas, trimmings, bracelets, collars, fichus or chemisettes, and all other ready make garments	ad valorem	10	Per cent.	23	Per cent.	29	Per cent	37	Per cent.
	MIXTED TEXTURES. See Notes and items from 610 to 614, at the end of the Tariff.									
	Drugs.—Chemical & other products.									
527	SUNDRY PRODUCTS: Musk, amber, civet, castoreum, and other articles of small weight and consumption, although high priced	per kilog.	1	17 2/5	2	34 4/5	3	13 1/20	4	17 2/5
528	——Cantharides & cochineal	"	.....	11 15/20	.....	23½	.....	31 3/10	.....	41 15/20
529	CARBON, animal	100 kilogs.	30	9/20	.....	45 13/20	.....	60 17/20	.....	76 1/10
530	GLUES, common or inferior	per kilog.	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
531	——Ditto, isinglass and boiling	"	.....	10 17/20	.....	25	.....	31½	.....	40 1/5
532	GREASES & OILS, liquid, or train oils, as whale, pilchard, cod, refined or crude, including weight of interior package when of glass	"	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
533	—— Ditto, solid, as sperm, stearine, and purified tallow	"	.....	04 9/10	.....	09 4/5	.....	13 1/20	.....	17 2/5
534	TALLOW, raw, and melted	"	.....	01 13/20	.....	03 7/20	.....	04 9/20	.....	05 9/10
535	PETROLEUM, ASPHALTUM, and other such liquid or sold products, in their natural state, or crude	100 kilogs.	.....	32	.....	48	.....	64	.....	84½
536	—— The same, refined, or purified, as coal oil, kerosene, gasoline, benzine, parrafine, and greases and oils for lubricating or painting	per kilog.	.....	01 4/5	.....	03 3/5	.....	04 4/5	.....	06 2/5
537	MINERAL WATERS, natural or artificial, exclusive of package	"	.....	01	.....	01 19/20	.....	02 3/5	.....	03 9/20
538	TAR OR PITCH, mineral	100 kilogs.	.....	16 17/20	.....	33 13/20	.....	44 17/20	.....	59 4/5
539	COALS, mineral	1000 kilogs	.....	24	.....	36	.....	48	.....	60
540	EMERY	per kilog.	.....	00 4/5	.....	01 11/20	.....	02 1/10	.....	02 4/5
541	PLANTS & SHOOTS, as absynth, mug-wort, angelica, hen-bane, ceterach, nightshade, fumitory, hypericum, hemlock, and other analogous in value	"	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
542	——Ditto, as sweet marjoram, kousso, &c	"	.....	04 9/10	.....	09 4/5	.....	13 1/20	.....	17 2/5
543	LEAVES, as digital, belladonna, thorn-apple, arnica, and others analogous in value	"	.....	01 15/20	.....	03½	.....	04 7/10	.....	06¼
544	——Ditto, as aconite, agrimony, vervain, maidens' hair, plantain or plantago, balm, and others analogous in value	"	.....	02 19/20	.....	05 17/20	.....	07 4/5	.....	10 9/20
545	——Ditto, as mint, myrtle, senna, and other analogus in value	"	.....	03 9/10	.....	07 17/20	.....	10 9/20	.....	13 9/10
546	FLOWERS, as lavender, camomile, knotgrass, elder, and others analogous in value	"	.....	01 11/20	.....	03 3/20	.....	04 1/5	.....	05 11/20
547	——Ditto, as french lavender, rosemary, roses, poppy, mallows, common ditto, linden, violet, and others analogous in value	"	.....	03 9/10	.....	07 17/20	.....	10 9/20	.....	13 9/10
548	ROOTS, mallow, burdock, calaguala, houndstongue, turmeric, gentian, iris, liquorice, madder, valerian and others analogous in value	"	.....	01 11/20	.....	03 3/20	.....	04 1/5	.....	05 11/20
549	——Ditto, aconite, angelica, arnica, belladonna, sweet flag, colchicum, piony, pellitory, ratania,, tormentil, sarsaparrilla from Veracruz, and others analogous in value	"	.....	03 3/20	.....	06¼	.....	08 7/20	.....	11 3/20
550	——Ditto, as contrayerva, carline, dittany, hellebore, galanga, sarsaparrilla from Honduras, and others analogous in value	"	.....	04 9/10	.....	09 4/5	.....	13 1/20	.....	17 2/5
551	——Ditto, as jalap, milkwort, turbith, and others analogous in value	"	.....	08 4/5	.....	17 3/5	.....	23½	.....	31 3/10
552	——Ditto, as ipecacuanha and rhubarb	"	.....	19 11/20	.....	39 3/20	.....	52 1/5	.....	69 11/20
553	BARKS, as winter, sassafras, mezereon, pome granate, oak, and others analogous in value	"	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
554	——Ditto, angostura, elm, Peruvian, simaruba, & others analogous in value	"	.....	03 9/10	.....	07 17/20	.....	10 9/20	.....	13 9/10
555	——Ditto, orchanet, or alkanet, and others analogous in value	"	.....	09 4/5	.....	19 11/20	.....	26 1/10	.....	34 4/5
556	GRAINS, SEEDS, &c, as linseed, mustard, fenugreek, and other analogous in value	"	.....	01 3/20	.....	02 7/20	.....	03 3/20	.....	04 1/5
557	——Ditto, as poppy, coriander, colchicum, fennel, white mustard, lavender, or worm seed, fleawort, and others analogous in value	"	.....	02 3/20	.....	04 3/10	.....	05 15/20	.....	07 13/20

MIXTED TEXTURES.

See Notes and items from 610 to 614, at the end of the Tariff.

Drugs.—Chemical & other products.

Classification of Items.		Weight, Measure, &c.	DUTY ON — SPANISH PRODUCTION. — SPAN. FLAG. $	SPANISH PRODUCTION. — SPAN. FLAG. Cts.	SPANISH PRODUCTION. — FOREIGN FLAG. $	SPANISH PRODUCTION. — FOREIGN FLAG. Cts.	FOREIGN PRODUCTION. — SPAN. FLAG. $	FOREIGN PRODUCTION. — SPAN. FLAG. Cts.	FOREIGN PRODUCTION. — FOREIGN FLAG. $	FOREIGN PRODUCTION. — FOREIGN FLAG. Cts.
558	——Ditto, as basil, anise, coloquintida, waterhemlock, hemlock, and others analogous in value	per kilog.	.....	04 3/10	.....	08 3/5	...	11⅕	.....	15 3/10
559	——Ditto, as cardamomum, carthamus, and others analogous in value	»	.....	10 15/20	.....	21⅗	.....	28 7/10	.....	38¼
560	WOODS, as «anacahuita,» sanders, tamarisk, cuassia	»	....	01 11/20	.....	03 3/20	....	04 1/5	.....	05 11/20
	——Ditto, as braziletto, guaiacum, mulberry, and other dying, see «Woods and wooden goods»		.....	.....	.....	.....	.....	.....	...	.....
561	TANNERS' BARKS	ad valorum	4	Per cent.	6	Per cent.	8	Per cent.	10	Per cent.
562	OILS, INCLUDING ESSENTIALS: Linseed, crude or boiled, castor, cotton seed, palma christi, coconut, peanut, and others analogous in value	per kilog.	.....	01 19/20	.....	03 9/10	.....	05 1/5	.....	06 19/20
563	——Turpentine, spirits of	»	.....	01 7/20	.....	02 15/20	....	03 13/20	.....	04 17/20
564	——Sweet almond, cocoa, hasulnut, and other oils, analogous in value	»	.....	05 1/10	.....	10 3/20	.....	13 11/20	.....	18 1/10
565	——Nutmeg, croton, and other such oils, analogous in value	»	.....	48 9/10	.....	97 17/20	1	30 9/20	1	73 9/10
566	——Essential oils, and analogous, for all uses, as rose, angelica, cardamomum, sweet basil, and others analogous in value	»	5	43⅕	12	50	15	76 1/10	20	10 9/10
567	——Bitter almond, cubeb, sanders, bay, camomile, balm, cherry, and others analogous in value	»	2	17 2/5	5	.....	6	30 9/20	8	04 7/20
568	——Anise, bergamot, lemon, orange flower, absynth, cinnamon, cider, wormwood, marjoram, and other analogous in value	»	.....	43⅕	1	.....	1	26 1/10	1	60 9/10
569	——Lavender, sage, rosemary, thyme, and others analogous in value	»	.....	10 17/20	....	25	.....	31⅕	.....	40 1/5
570	CAMPHOR, rough or refined	»	.....	07 3/5	.....	17⅗	.....	22 1/20	.....	28 3/20
571	GUMS, RESINS, &c: Gums, arabic, Senegal, manna, tragacanth, and others analogous in value	»	.....	04 9/10	.....	09 4/5	....	13 1/20	.....	17 2/5
572	——Ditto, arabic, rough	»	.....	01 15/20	.....	02 3/5	....	03⅕	.....	04 7/20
573	TAR AND PITCH, vegetal, including weight of package	»	.....	00¼	.....	00 9/20	....	00 3/5	.....	00 17/20
574	ROSIN, and white ditto, or white pitch, and pine resin, including weight of package	»	.....	00 7/20	.....	00 7/10	.....	00 9/10	.....	01 1/5
575	RESIN GUMS, and solid resins, in paste, soft or liquid, not included or specified elsewhere, as crude turpentine from all countries, elemi, Burgundy pitch, and others analogous in value	»	.....	01 3/20	.....	04 7/20	.....	03 3/20	.....	04 1/5
576	——Ditto, as lac, copal, mangle, and others analogous in value	»	.....	03 9/10	.....	07 17/20	.....	10 9/20	.....	13 9/10
577	——Ditto, the so called baltam, as the Peruvian, Tolu, Maria, copaiba, and others analogous in value	»	.....	07 3/5	.....	17⅕	....	22 1/20	.....	28 03/20
578	——Ditto, as asafoetida, officinal spurge, juniper, frankincense, myrrh, mastic, galbanum, benzoin, storax, dragon, and others anal gous in value	»	....	05 9/20	.....	12½	.....	15 15/20	.....	20 1/10
579	—— Ditto, as opium, scammony from all countries, jalap resin, and others analogous in value	»	.....	65 1/5	1	50	1	89 1/10	2	41 3/10
580	ACIDS, mineral, for industrial purposes, as arsenic, muriatic and sulphuric, for the trade	»	.....	00 3/20	.....	00¼	.....	00 7/20	.....	00 9/20
581	——Ditto, nitric, for the trade and pure, and pure sulphuric, and muriatic	»	.....	01 15/20	.....	04	.....	05 1/20	.....	06 9/20
582	——Ditto, vegetal and mineral for all purposes, as acetic, boracic, crude gallic, oxalic, and others analogous in value	»	....	03 1/20	.....	07	.....	08 17/20	.....	11¼
583	——Ditto, as citric, tannic, tartric, fennic and others analogous in value	»	.....	07 3/5	....	17⅕	.....	22 1/20	.....	28 3/20
584	——Ditto, applied exclusively to medicines, as lactic, benzoic, cyanhydric, phosphoric, valerianic, and others, even of more value, but of small consumption	»	.....	86 19/20	2	.....	2	52 3/20	3	21 15/20
585	OTHER PRODUCTS, as sulphur, in flower, or paste, caustic soda for soap and match makers	»	.....	00¼	.....	00 2/5	.....	00½	.....	00 12/20
586	——Bicarbonate and carbonate of soda, of potash and lime, sulphate of alum, of ammoniac, iron, magnesia; sulphurate of antimony and others analogous in value	»	.....	00 13/20	.....	01½	.....	01 9/10	....	02 2/5
587	——Ammoniac, hyposulphite of soda, litharge, nitrate of potash and of soda, sulphate of zinc, glucose, and other products, analogous in value	»	.....	01 1/10	.....	02½	.....	03 3/20	.....	04
588	——Carbonates of magnesia, of zinc, and of potash, refined; hydroclorate of ammoniac, dextrine, kaolin, and other products, analogous in value	»	....	02 1/5	.....	05	.....	06 3/10	.....	08 1/20
589	——Borate of soda, carbonate of ammoniac, chloride of antimony, cream of tartar, bicarbonate of potash, glycerine, nitrate of borytes, of strontium, yellow prussiate of iron and potassium, red prussiate of iron and other products, analogous in value	»	.....	03¼	.....	07⅕	.....	09 9/20	.....	12 1/20
590	——Acetate of potash, carbonates and oxides of iron, soluble cream, others of all classes, sulphurate of carbon, cyanuret of potassium and other products analogous in value	»	.....	05 1/5	.....	12	.....	16 1/10	.....	19 3/10
591	——Chlorate of potash	»	.....	02 1/10	.....	03 3/20	.....	04 3/20	.....	05 1/5
592	——Chlorides and oxides of mercury, chloroform, creosote, citrate of iron, and other products analogous in value	»	.....	09 4/5	.....	22⅕	.....	28 2/5	.....	36 1/5
593	——Phosphorus	»	.....	04 7/20	.....	06⅕	.....	08 7/10	.....	10 17/20
594	——Brome and bromates, iodal and iodines, carbonate and oxide of bismuth, permanganate of potassium, cyanure of ditto, pure, and other products analogous in value	»	.....	54 7/20	1	25	1	57 3/5	2	01 1/10
595	——Quinine and its salts, morphine salts, alkaloids and its salts, gold, silver, platinum and other salts of rare or precious metals, and all other chemical products of small consumption and bulk, although high priced, which can be assimilated to the above mentioned products, and for whatever purpose or application	»	3	47 17/20	8	.....	10	08 7/10	12	86 19/20
596	SPECIAL PHARMACEUTICAL PRODUCTS AND MEDICINES, which do not constitute those termed patent or secret remedies, as tinctures, compound oils, ointments, medicinal vinegars, gum pastes, sweet and pectoral, as jujube, *liquen*, &c; and plasters and sticking plasters	»	.....	04 7/20	.....	10	.....	12 3/5	.....	16 1/10
597	——Vegetal extracts, as opium, ipecacuanha, rhubard, *ergotina*, and others analogous in value	»	1	30 9/20	3	.....	3	78¼	4	82 3/5
598	——Ditto, as arnica, belladonna, thorn apple, sarsaparrilla, valerian, and others analogous in value	»	.....	21 15/20	.....	50	.....	63 1/20	.....	80 9/20
599	——Ditto, as colchicum, coloquintida, Peruvian bark, ratania, and others analogous in value	»	.....	43⅕	1	.....	1	26 1/10	1	60 9/10
600	——Ditto, as braziletto, campeachy, liquorice, and others prepared for industrial purposes, analogous in value	»	.....	02 3/5	.....	06	.....	07 11/20	.....	09 13/20
601	——Distilled waters, as orange flower, rose, valerian, and others analogous in value	»	....	02 3/5	.....	06	.....	07 11/20	.....	09 13/20

Classification of Items.		Weight, Measure, &c.	DUTY ON							
			SPANISH PRODUCTION.				FOREIGN PRODUCTION.			
			SPAN. FLAG.		FOREIGN FLAG.		SPAN. FLAG.		FOREIGN FLAG.	
			$.	Cts.	$.	Cts.	$.	Cts.	$.	Cts.
	MIXTED TEXTURES.									
	See Notes and items from 610 to 614, at the end of the Tariff.									
	Drugs.—Chemical & other products.									
602	——Preparations, called «Patent,» or specific, of authors known or anonimous, in glass packages, of up to 0'125 litre of capacity, as the Forgets' and Delabarre's syrups, and Laville's liquors and pills, including weight of inside packages	per kilog.	.....	20¼	.....	46 3/5	.....	58 4/5	.....	75
603	——Ditto, ditto, in glass packages, of from 0'125 to 0'250 litre, as Guille's Elexir, and Leras Phosphate, including weight of inside packages	»	.....	13½	.....	31 1/10	.....	39 1/5	.....	50
604	——Ditto, ditto, in glass packages of from 0'250 to 0'500 litre, as Albert's sarsaparrilla & Dupont's syrup, exclusive of the weight of packages	»	.....	06 15/20	.....	15 11/20	.....	19 3/5	.....	25
605	——Ditto, ditto, in glass packages of more than 0'500 litres, as Laffecteur's rob, Bristol's sarsaparrilla, & Swains Panacea, exclusive of weight of packages	»	.....	03 2/5	.....	07 15/20	.....	09 4/5	.....	12½
606	——Ditto, ditto, in wooden, paste board and vellum lace packages, as Brandeth's and Frank's pills, Nafé Regnault's lozenges, and similar kinds, including interior packages	»	.....	13½	.....	31 1/10	.....	39 1/5	.....	50
607	——Ditto, ditto, in tin and pewter packages, as Sedlitz powders, soda ditto, Guerin's opiate, Albespeyres' caustic, and others, including weight of interior packages	»	.....	05 2/5	.....	12 9/20	.....	15 13/20	.....	20
	N. B.—Natural & chemical products, and drugs, such as are generally imported in powders, int their natural state or prepared, such as tartaric acid, Rochelle salts, red-lead, litharge, carbonate of lead, oxide of zinc, subnitrate of bismuth; carbonate of iron, oxide and iodures of mercury, arcenical acid, sublimate of sulphur, carmines, emery, chrome, vermillion, bronze, Armenian bole, dextrine, lycopodium, starch & arrow-root, bicarbonate of soda, red coral, peroxide of manganese, Venecian tale, calamine, verdigris, and other similar kinds, will be dutied as per items they belong to.									
608	An extra duty of 15 per cent will be levied on powders, the alteration of which is below 25 per cent, as those of rhubarb, Florence lily, mallow, houndstongue and liquorice roots, mustard & flax seeds, gum-arabic, cinnamon bark, guiacum wood, tartar emetic, gall-nuts, pepper of all classes, and other similar seeds, nitrate of potash, milk-sugar, sulphur of antimony, cream of tartar, calcined bones, sal-ammoniac, chlorate of potash and other similar articles.									
609	An extra duty of 35 per cent will be levied on powders, the alteration of which is above 25 per cent; as those of opium, tragacanth gum, and all resinous gums, ipecacuana, turbith, jalap & sarsaparrilla roots, castoreum, flowers & leaves in general, sweezewort, amomum, poison nuts, Peruvian bark, cantharides, coloquintida, treacle and all other similar kinds.									
	MIXED TEXTURES.									
	On cotton textures, mixed with hemp, flax or jute, duty will be levied as per items, *hemp, flax and jute.*									
	On hemp, flax and jute textures, mixed with cotton, duty will be levied as per items, *hemp, flax and jute.*									
	On cotton textures, mixed with wool, duty will be levied as per item *wool.*									
610	On cotton textures, mixed with silk, up to *one fifth* part, duty will be levied as per corresponding items, with an extra duty of 140 per cent.									
611	On ditto, ditto, above *one fifth* and below *two fifths* parts, duty will be levied as per corresponding items, with an extra duty of 280 per cent.									
612	On ditto, ditto, above *two fifth* parts, duty will be levied as on silks and pine-apple-muslin.									
	On woolen textures, mixed with cotton and not specified in item *wool*, a deduction of 20 per cent will be made on the duty charged for pure woolen goods.									
613	On woolen textures, mixed with silk, not specified in items *wool*, and of silk, mixed with wool, not specified in item, *silk*, an extra duty of 50 per cent will be levied in both cases.									
	SUGAR PLANTATION IMPLEMENTS.									
614	All articles exclusively applicable to the sugar industry of the Island, from the cartage & grinding of cane, to the packing and extraction of sugars, from the Estates	ad valorem	3 Per cent.		4 Per cent.		5½ Per cent.		7 Per cent.	

ARTICLES FREE OF DUTY,

IMPORTED UNDER WHATEVER FLAG, AND FROM ANY COUNTRY.

1st.—Trees plants and seeds intended for plantings and herbariums of a Scientific character.

2nd.—Statues and oil paintings of celebrated artists.

3rd.—Newspapers, geographic maps, and books the lecture of which is authorized.

4th.—Asses, horses, cattle, &c, imported to improve the breed.

5th.—Guano, and all classes of manure, natural, or artificial.

6th.—Dissected Birds and other animals, imported for public or private instruction, or any other purpose.

7th—Collections of antiquities of all classes.

8th.—Live fish.

9th.—Collections of old coins and moneys which are authorized to circulate.

10th.—Argentiferous minerals, in their primitive state, or refined or purified.

11th.—Minerals, rough, app icable to mineralogic study.

12th.—Samples of textures, or dry goods, in clippings, of suficient size to appreciate the goods.

13th—Horse accoutrements of Spanish manuture, destined to the cavalry corps of the Militia.

TARIFF OF DUTIES ON EXPORTS.

The following are the rates of duties, as established by the tariff of October 1st, 1870, and the war subsidies added to the same since that date.

ARTICLES OF EXPORT.	FIXED DUTY. TARIFF OCT. 1st, 1870.		WAR SUBSIDIES. SINCE OCTOBER 1870.		TOTAL DUTY AND WAR SUBSIDIES NOW IN FORCE.	
	$.	Cts.	$.	Cts.	$.	Cts
SUGAR, per box	.....	80	1	50	2	30
—— » hogshead	3	.....	3	.....	6	.....
—— » half hhd. or tierce	1	50	1	50	3	.....
—— » barrel	.....	75	.....	75	1	50
CONCENTRATED SUGARS will pay as the above items	.....	.....	.....	.....	.....	.....
MOLASSES, Clayed, per hogshead of up to 120 gallons, without deduction for leakage	1	.....	1	.....	2	.....
HONEY, per gallon	.....	02½	.....	05	.....	07½
RUM, per pipe	2	.....	2	.....	4	.....
WAX, white, per kilogram	.....	02	.....	04	.....	06
— yellow per ditto	.....	01½	.....	03	.....	04½
TOBACCO, in leaf, per kilogram	.....	04½	.....	06	.....	10½
—— in scraps, per ditto	.....	01¼	.....	05	.....	06¼
—— twisted, in segars, per 1000	.....	75	1	50	2	25
—— in paper cigarrettes, per 1000 packets	.....	50	1	.....	1	50
TIMBERS, ad valorem	5	₱ cent.	.....	.....	.....	.....

ARTICLES OF EXPORT FREE OF DUTY.

All the products of the Island not included in the preceding Tariff.

TONNAGE, OR NAVIGATION OR PORT DUES

IN FORCE SINCE MARCH, 1867.

1st.—Foreign vessels, arriving and leaving with load, will pay for each ton, according to their measurement.....$ 2.35
—Spanish vessels, ditto, ditto.....$ 1.35
2nd.—Foreign vessels, arriving loaded, and leaving in ballast, will pay for each ton, according to their measurement.....$ 2.30
—Spanish vessels, ditto, ditto.....$ 1.30
3rd.—Foreign vessels, arriving in ballast, and leaving loaded, will pay, for each ton of their measurement.....$ 2.00
—Spanish vessels, as above, will pay.....$ 1.00
4th.—Foreign vessels, arriving loaded with coals, having on board an equal amount of tons, or more, than the tons expressed and leaving with native products, will pay for each ton of cargo.....$ 2.00
and for each ton in ballast.....$ 0.05
—Spanish vessels in same cases, will pay for each ton of cargo.....$ 1.00
and for each ton in ballast.....$ 0.05
7th.—Foreign vessels, arriving and leaving in ballast, will pay for each ton measurement.....$ 0.05
—Spanish vessels, in same case.....$ 0.05
8th.—Foreign vessels, which «put in», or arrive with damages, or on account of stress of weather, or for want of provisions, &c., will pay for each ton measurement.....$ 0.05

TONNAGE DUES.

Tonnage dues are payable in gold since 1st January 1874.

The following Flags have been assimilated to the Spanish for the payment of the Tonnage dues: American, Austrian, Belgian, British, Dutch, French, German, Russian, Swedish and Norwegian.—They accordingly pay the same as the Spanish Flag does as per decree of March, 1867, published in this book.

ry, and have other goods or merchandise on board in any quantity, will pay for each ton of coals.....$ 1.35
and for each other ton.....$ 2.35
—Spanish vessels, in same cases, will pay for each ton of coals.....$ 0.73
and for each other ton.....$ 1.35
5th.—Foreign vessels, arriving in ballast, and leaving completely loaded with molasses, will pay for each ton measurement.....$ 0.50
—Spanish vessels, in this case.....$ 0.37
6th.—Foreign vessels, arriving in ballast, six tons of cargo, will pay for each ton in excess of the said six.....$ 1.60
—Spanish steamships, in same case.....$ 0.62½
11th.—Spanish mail steamships will pay in accordance with their contracts with the Government.
12th.—When the steamships arriving can not be included in those referred to in articles 9th, 10th and 11th, they will pay according to port of sailing and flag; and the tons occupied by the machinery and coal bunkers will be deducted from the total measurement for the payment of duties.

TONNAGE, OR NAVIGATION OR PORT DUES

IN FORCE SINCE MARCH, 1867.

1st.—Foreign vessels, arriving and leaving with load, will pay for each ton, according to their measurement.....$ 2.35
—Spanish vessels, ditto, ditto.....$ 1.35
2nd.—Foreign vessels, arriving loaded, and leaving in ballast, will pay for each ton, according to their measurement.....$ 2.30
—Spanish vessels, ditto, ditto.....$ 1.30
3rd.—Foreign vessels, arriving in ballast, and leaving loaded, will pay, for each ton of their measurement.....$ 2.00
—Spanish vessels, as above, will pay.....$ 1.00
4th.—Foreign vessels, arriving loaded with coals, having on board an equal amount of tons, or more, than the tons expressed in their license or register, although bringing other load as complement.....$ 0.50
Spanish vessels, in same case.....$ 0.00
—Foreign vessels, arriving with coals only, but in smaller quantity than they can carry, will pay for each ton occupied by the coal..$ 0.50
and for each unoccupied ton.....$ 1.50
Spanish vessels, in same cases, will pay for each ton occupied.....$ 0.00
and for each ton unoccupied.....$ 0.62
Foreign vessels, arriving with coal sin smaller amount than that which they can carry, and have other goods or merchandise on board in any quantity, will pay for each ton of coals.....$ 1.35
and for each other ton.....$ 2.35
—Spanish vessels, in same cases, will pay for each ton of coals.....$ 0.73
and for each other ton.....$ 1.35
5th.—Foreign vessels, arriving in ballast, and leaving completely loaded with molasses, will pay for each ton measurement.....$ 0.50
—Spanish vessels, in this case.....$ 0.37
6th.— Foreign vessels, arriving in ballast, and leaving with native products, will pay for each ton of cargo.....$ 2.00
and for each ton in ballast.....$ 0.05
—Spanish vessels in same cases, will pay for each ton of cargo.....$ 1.00
and for each ton in ballast.....$ 0.05
7th.—Foreign vessels, arriving and leaving in ballast, will pay for each ton measurement.....$ 0.05
—Spanish vessels, in same case.....$ 0.05
8th.—Foreign vessels, which «put in», or arrive with damages, or on account of stress of weather, or for want of provisions, &c., will pay for each ton measurement.....$ 0.05
Spanish vessels, in same case.....$ 0.05
9th.—Steamships making periodical voyages to ports of the Island, whatever their nationality and port of sailing may be, will be dispensed of paying duties, provided they do not bring or take away more than six tons of cargo. The said ships will be dispatched with preference to others when they shall carry mails.
10th.—Foreign steamships which may concur in the above mentioned circumstances, but that bring or take away more than six tons of cargo, will pay for each ton in excess of the said six.....$ 1.60
—Spanish steamships, in same case.....$ 0.62½
11th.—Spanish mail steamships will pay in accordance with their contracts with the Government.
12th.—When the steamships arriving can not be included in those referred to in articles 9th, 10th and 11th, they will pay according to port of sailing and flag; and the tons occupied by the machinery and coal bunkers will be deducted from the total measurement for the payment of duties.

DUTIES ON WOODEN AND IRON VESSELS, &C.

The Minister of the Ultramarine Department communicated to H. I. E. the Superior Political Governor, under date of the 3d December, 1869, the following order.

Your Excellency: The following Decree has been issued on this date. As Regent of the Kingdom & in conformity with the proposition of the Minister of the Ultramarine Department, and in accordance with the Ministerial Council, I decree as follows:

Art. 1st. The importation of vessels either of wood or iron is permited in the islands of Cuba and Porto Rico on payment of the following duties:

On vessels built of wood & of a capacity not exceeding (100) one hundred tons of one cubic metre each $6½ ℔ such ton.—On wooden vessels from 101 to 300 tons $5 ℔ ton.—On those of 301 tons & upwards $3.—On iron-built vessels of any burthen $2½ ℔ ton.

Art. 2. The tonnage of the vessels referred to above, shall be understood to be the number of tons, of one cubic metre each, which they measure absolutely, under deck, without any deduction whatever, but the duties aforesaid for each ton, comprise and include the duties corresponding to all the instruments, machinery, tools and appurtenances referred to in the notes No. 21 & 22 of the Tariff in force in Spain.

Art. 3. Permission is hereby granted for Spanish vessels to be careened or overhauled in any foreign place.

Art. 4. Permission is also granted to all owners of Spanish vessels to freely dispose of or mortgage them, whether to Spanish subjects or to foreigners, and the Art. 592 of the Commercial Code is hereby annulled in consequence.

Art. 5. Spanish vessels may be manned by the number of hand the Captain may consider sufficient, in conformity with the Article 24, Sec. 10 of the Ordinances of Matriculation now in force and with the Articles 1st. and 4th. of the Royal Decree of the 27the November 1867. When in a foreign port, the captain or the owner cannot find a sufficient number of Spanish subjects to form the crew, the latter may be completed with foreigners, with the consent of the Consular or Naval Authorities.

Art. 6. The materials of all kinds which are imported for the construction, careening or repair of iron and of wooden-built vessels of whatever size, and the manufactured articles necessary for their equipment and the articles that are imported for the construction of marine steam engines and marine steam boilers of whatever system or horse power will pay the duties marked in the tariff but the latter shall be returned to the builders or manufacturers on their petition & on proof being furnished by them of the importation or employment of said materials in the aforesaid building or repair of vessels, engines or boilers.

Art. 7. For the return of these duties the weight or volume of the materials or articles shall be calculated, in accordance with the tariff, according to the weight or volume of the work done or completed, so that the duties corresponding to the waste material or those which shall correspond to the fabric or transformation arising from such application of said materials shall accrue to the Treasury.

Given at Madrid December 3rd 1869.—*Francisco Serrano.*—The Minister of the Ultramarine Department, *Manuel Becerra.*

By H. H's Order, I communicate this to you for your information and the consequent effects.

And, H. I. Excellency having determined on the 3rd of January last, that this law shall be put in force, it is now promulgated for general information.—Havana October 10th, 1870.—Signed, *J. Emilio de Santos.*

EXPORT DUTY ON GOLD COINS.

GENERAL INTENDANCY OF THE TREASURY OF THE ISLAND OF CUBA.

On the suppression by Royal Order of the 12th February of 1867, of the Export duties in this Island, the 2½ per cent which was therefore paid on coined gold, ceased to be collected. The aforesaid Export duties having been re-established by the order of H. E. the Superior Political Governor on the 1st April of the same year, and re-established also all the duties that had been suppressed by the above mentioned Royal decree, in the 1st article of the Decree of the Regency of the 30th Sept. 1869, the same course was not pursued with the duty on gold which therefore remained suppressed without legal causes or motives of expediency to render this advisable.

Consequently Gold coin should have paid the aforesaid 2½ per cent as decreed prior to the 12th February 1867, which has not been done, owing doubtless to an erroneous interpretation of the law which has resulted in loss to the Treasury without due cause therefor.

In consideration therefore of the tenor of the said Decree of the Regency of the 30th September 1869 & in accordance as to Article 3rd, thereof, keeping also in view that the export duty imposed on gold by the Art. 17th of the tariff in force in 1853, was not established solely to procure ressources for the Treasury but also to impede as far as possible, the exportation of specie in critical periods; considering likewise that the export tariff having been raised on the 1st September 1870, it is just that the tax then levied on coined gold by the old tariff should now receive a legal and legitimate increase.

H. E. the Superior Political Governor, on the proposal of this general Intendancy, has thought fit & resolve that there be levied henceforth, from the day of publication of this order, in the Gazette, an export duty of 5 per cent (besides the usual additions established for all merchandise whatever) on all gold and silver coin, of which resolution the Government of the Republic shall be duly informed.—Havana, May 16 1873.—The Intendent General,—*Mariano Cancio Villaamil.*

DUTIES ON GOLD EXPORTED.

The duties as per decree of May 6, 1873, and increase of same, as per order of August 27th in regard to free importation of American Coins, have been abolished, since this publication was printed.

INCREASE OF EXPORT DUTY ON GOLD COINS.

Article 3rd. of the order on Importation of American coins, &c., which follows this notice, provides for an increase of duty on the exportation of gold of 5 per cent.

EXPORT DUTY ON GOLD COINS.

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INCREASE OF EXPORT DUTY ON GOLD COINS.

Article 3rd. of the order on Importation of American coins, &c., which follows this notice, provides for an increase of duty on the exportation of gold of 5 per cent.

FREE IMPORTATION OF ALL AMERICAN COINS,

AND THEIR ADMISSION INTO CIRCULATION.

Taking into consideration that the financial crisis which imperils all the permanent interests of this territory calls with pressing urgency for remedial measures even if only partial and preparatory to the general resolutions that appertain exclusively to the legislative power:

Taking also into consideration that the character of the crisis does not prevent its being general in its nature, weighing with unsupportable pressure on the wealth of the Province; but that it also complicates and interferes greatly with the circulation, through the circumstances that it has produced:

Considering further that in this sense the crisis is simply a monetary one & that its deplorable consequences have been the withdrawal from the circulation of gold (which is the monetary standard) from certain departments, while in others it continues current and abundant to the prejudice of all paper currency:

Considering that from causes which need not be detailed here, an amount of Spanish gold has been exported which is indispensable to meet the wants of public circulation & contracts:

Considering the impossibility of importing national gold coin because what has been exported went to France to enable her to meet her war obligations and has since been melted down in Germany:

Considering that in the States of America in general there is an abundance of gold coin of good standard in excess of what the wants of their trade require:

Considering that in the modern concert of nations, the progress of international law has effaced old resentments, uniting the peoples in the closest relations of friendship and mutual assistance to realize the work of human civilization by ties of fraternal union:

Considering that the common interests of trade now well understood by the different nations has initiated this great mercantile movement foreseen and explained by science:

Considering that it is imperatively necessary to remedy in this market the scarcity of gold for the wants of trade so as to regularize the unequal anomalous situation arising from the almost total disappearance of gold from some districts and the depreciation of the paper currency in others, which circumstance favours «ajio» and produces great and serious dangers:

On the proposal of the Intendancy General of Finances, I have decreed: Art. 1. From this moment the circulation in this Island of the gold coins of all the republics of America for their intrinsic value and of the same standard as the Spanish coin, is authorized.

Art. 2.—The importation of all American gold is declared free of duty.

Art. 3.—The exportation of all gold will be charged henceforth with an increase of 5 per cent on the duty imposed by present tariff.

Art. 4.—The Intendancy will provide for the exact & faithful fulfillment of this decree, which shall be inserted in the Gaceta for General information.—Havana, August 27th, 1873.—The Intendant General, *M. Crespo Quintana.*

DUTIES ON ARTICLES OF LUXURY.

(The following order, has since its promulgation been suspended for reconsideration, and has not accordingly been enforced up to this date, October 25th.)

Art. 1st.—On and after the 1st October 1873 fifty per cent of the duties on said articles will be collected in gold in the ports of the Island of Cuba.

Art. 2nd.—The ports, or Custom houses, of the Eastern Department are excepted in the above article, they collecting already all duties in gold.

Art. 3rd.—The sums collected in gold as above will be destined to the payment of the army in campaign.

Art. 4.—The Intendancy will dictate the necessary orders for the immediate execution of the present decree.—Havana, September 3rd, 1873.—Signed, *Candido Pieltain.*

DUTIES ON ARTICLES OF LUXURY.

The proposed duties on articles of Luxury, as per order of Sept. 3rd, 1873, in this publication, have been annulled.

6	62	152	191	224	258	321	394	436	473	505	526
7	88	154	195	225	259	340	395	437	474	506	527
9	98	155	196	226	260	352	396	438	475	507	533
13	99	156	197	227	263	356	397	439	476	508	566
14	101	157	198	228	264	358	398	442	478	509	567
15	104	161	199	229	265	359	399	444	479	510	568
17	105	165	200	232	266	361	400	445	480	511	569
21	106	166	201	233	267	365	403	447	481	512	579
22	107	168	202	234	274	377	405	450	482	513	596
25	111	169	205	235	275	378	406	451	485	514	597
26	112	170	206	236	278	380	407	456	487	515	598
28	114	171	207	239	280	381	409	457	488	516	601
30	115	176	208	240	281	383	412	458	493	517	602
31	117	177	209	246	282	384	413	460	494	518	603
34	118	178	210	247	307	385	414	461	498	519	604
35	136	179	211	248	309	388	415	462	499	520	605
41	137	180	212	252	310	389	419	463	500	521	606
45	144	181	217	253	313	390	426	464	501	522	607
49	149	183	219	255	316	391	430	466	502	523	
50	150	184	220	256	318	392	434	470	503	524	
58	151	190	221	257	319	393	435	472	504	525	

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Art. 3rd.—The sums collected in gold as above will be destined to the payment of the army in campaign.

Art. 4.—The Intendancy will dictate the necessary orders for the immediate execution of the present decree.—Havana, September 3rd, 1873.—Signed, *Candido Pieltain.*

The following are the numbers or classification in the Tariff of the above mentioned articles, as published by order of the Intendancy:

6	62	152	191	224	258	321	394	436	473	505	526
7	88	154	195	225	259	340	395	437	474	506	527
9	98	155	196	226	260	352	396	438	475	507	533
13	99	156	197	227	263	356	397	439	476	508	566
14	101	157	198	228	264	358	398	442	478	569	567
15	104	161	199	229	265	359	399	444	479	510	568
17	105	165	200	232	266	361	400	445	480	511	569
21	106	166	201	233	267	365	403	447	481	512	579
22	107	168	202	234	274	377	405	450	482	513	596
25	111	169	205	235	275	378	406	451	485	514	597
26	112	170	206	236	278	380	407	456	487	515	598
28	114	171	207	239	280	381	409	457	488	516	601
30	115	176	208	240	281	383	412	458	493	517	602
31	117	177	209	246	282	384	413	460	494	518	603
34	118	178	210	247	307	385	414	461	498	519	604
35	136	179	211	248	309	388	415	462	499	520	605
41	137	180	212	252	310	389	419	463	500	521	606
45	144	181	217	253	313	390	426	464	501	522	607
49	149	183	219	255	316	391	430	466	502	523	
50	150	184	220	256	318	392	434	470	503	524	
58	151	190	221	257	319	393	435	472	504	525	

ABOLITION OF DISCRIMINATING TONNAGE DUES

ON VESSELS OF THE UNITED STATES, ORDER OF ~~MARCH~~ may, 1869.

The Minister of the Colonies has been pleased to order, by telegraph, that the vessels of the United States be placed on the same footing as Spanish vessels for the payment of tonnage, or navigation and port dues, on and after the 15th ~~March~~ may, 1869, in the ports of Cuba.

CLOSURE OF PORTS: ORDER OF 9TH NOVEMBER, 1868.

In consequence of the breaking out of the insurrection, the following appeared in the *Gaceta* of November 10th, 1868:

I have this day deemed it convenient to close all the ports on both shores, north and south of the Departments Central & Oriental, wherever there is no custom house in operation, to all navigation, either foreign or coatwise. The several commanders of the fleet crusing about will notify the captains of all vessels, at present bound to any of the above specified ports, of their closure; in order that they may repair to the nearest one possessing the above requisite, to that of their destination.—Havana November 9th 1868.—*Lersundi.*

By another order, dated 7th July, 1869 all the ports of the Island, except those of entry, were declared closed to foreign and the coasting trade.

REGULATIONS FOR CAPTAINS AND SUPERCARGOES.

The following are the Rules to be observed by the Captains and Supercargoes of Spanish and all Foreign vessels engaged in the carrying trade from foreign ports to those of the Island of Cuba and Porto Rico:

I. Captains of vessels sailing from foreign ports to those of the Islands of Cuba and Porto-Rico shall present to the Spanish Consul or Vice-Consul a duplicate statement, without any corrections whatever, which shall declare:

1. The class (or rig), flag and name of the vessel and its exact measurement in Spanish tons. In the first voyage made by each vessel to the said Islands, declaration shall be made of the number of tons it measures by builder's measurement, even though they be not Spanish tons, and in the subsequent voyages a certificate of the tonnage measurement made at the first port of entry by order of the Custom House authorities for the payment of tonnage dues, must be exhibited.

2. The name of the Captain or master of the vessel.

3. The port or ports from whence it has sailed.

4. The names of shippers and those of the owners or consignees to whom the cargo is consigned.

5. The packages, bales, casks, barrels, cases and other bundles or packages, with their respective marks and numbers, expressing, in numbers and in writing, the quantity of each class thereof.

6. The specific kind of merchandise or goods contained in the parcels, and their gross weight. The words *merchandise, vituals, provisions*, or others of like vagueness, will not be allowed to determine the specific kind of merchandise.

7. A similar statement of all cargo in bond, or in transit (to other ports).

8. And the statement shall conclude by a distinct declaration that the vessel carries no other merchandise.

II. If all or part of the cargo consists of iron in bars or plates, metal in pigs or ingots, lumber, jerked beef, salt, cocoa, or other articles in bulk, they must be declared, according to their kind, in decimal weight or measure, in the duplicate statement already mentioned.

III. These statements (*sobordos*) shall be certified by the Spanish Consul or Vice-Consul, who will deliver one of the copies to the Captain of the vessel, retaining the other, which he shall himself remit directly to the Intendente General of the Island whither the ship is bound, so that it may serve as a voucher for the examination of the cargo by the customs authorities of the port of entry.

IV. The Captain, at the end of the voyage, must note down in the copy of the statement which he is to retain, the following particulars:

1. Whatever goods the crew may take with them, not already declared in said document, up to the value of 200 escudos (100 dollars) for each individual.

2. Such articles of food for the voyage as may remain unconsumed; and

3. All munitions of war and spare materials, as also the quantity of coal carried for the consumption of the vessel if it be a steamer.

V. The Captain, on arrival at his port of destination, and when the sanitary inspection takes place, shall deliver the statement certified by the Consul, and the general manifest of the cargo, to the chief of the Custom House officers or of the Revenue Guard.

VI. If a vessel sail in ballast, the Captain shall present to the Consul or Vice Consul a note (or statement) in duplicate, declaring the fact, and the same forms will be observed as prescribed for the *sobordo*; that is to say, the Consul will certify both documents, delivering one copy to the Captain and retaining the other to forward to the Island to which the ship is bound.

VII. If the Captain or Supercargo do not show the statement or note declaring that the vessel is boarded, which act shall take place the moment it drops its anchor in the port of its destination, they shall be held liable to a fine of 400 escudos (200 dollars) for the want of that document; if the Consular Certificate or attestation do not appear thereon, he (or they) shall pay a fine of 200 escudos (100 dollars) for the absence of that formality; and if it do not contain the particulars specified in Rule I, he (or they) shall pay a fine of 50 escudos (25 dollars) for each one omitted or inaccurately stated, but in the latter case the sum total of such fines shall not exceed 400 escudos (200 dollars).

In like manner, the Captain, or Supercargo who shall not produce the *sobordo* and manifest when required to do so by the Chief officer of the Revenue Guard, or whoever represents him, at the moment of boarding the vessel, shall incur a fine of 1,000 escudos (500 dollars), unless an accident at sea shall have forced the vessel to put hastily into port, which fact shall be shown by means of a summary proceeding.

VIII. In case any correction or alteration should be observed in said documents, the Captains or Masters shall be held liable to appear before the competent Tribunal to answer the charge of forgery, incurring an equal responsibility whether the vessel arrive in ballast or with cargo.

IX. The production of the *sobordo* is obligatory, and shall take place in all the ports, bays and harbors of the island in which the vessel may anchor, even when in distress, the Collector of Customs retaining a copy and returning the original to the Captain in order that he may deliver it at the port of his destination.

X. Vessels of the Coast Guard (Revenue Cutters) may demand the *sobordo* from the Captain or Master within a distance of twenty three kilometers (14.$\frac{291}{}$ English miles) from the port of their destination.

XI. Captains are likewise under obligation to present to the Spanish Consul or Vice Consul of the port of departure a memorandum of the approximate value of their cargo, to serve as data for the commercial statistics, with the preparation of which those functionaries are charged.

XII. The Captain who shall not declare the exact burden of his vessel in Spanish tons, shall pay the expenses of its re-measurement if the exeess prove to be more than ten per cent.

XIII. Captains who are forced by stress of weather or any other unforeseen event to throw a portion of the cargo overboard, shall also note it down in the manifest, stating, even though it be in general terms, the quantities, parcels and classes or kinds (or the articles thrown overboard), being obliged to make a corresponding declaration in the Custom House and to exhibit their log-book in confirmation of their assertions.

XIV. Passengers' luggage shall be presented for examination in the Customs warehouse, and if article of merchandise be found therein of a value not exceeding 200 escudos (100 dollars), the Customs duties according to the tariff shall be assessed thereon after comparison with the note or detailed statement which the interested parties are required to deliver to the Collector of Customs. If the value of such goods should exceed 200 escudos and not exceed 400 (200 dollars), double duties shall be imposed; but if they amount to a larger sum they shall be liable to confiscation, unless in either case a declaration of the said goods shall

have been proviously made, when they shall only be subject to the payment of the duties fixed by the tariff.

XV. Any correction, addition or alteration of the manifest or statement, or of the Custom House declarations, is absolutely prohibited, the discrepancies which may appear between the said documents being punishable in conformity to the regulations.

XVI. When the cargoes proceed from a port where there is no Consul or Vice Consul, and the residence of these agents is more than thirty kilometers (18.$\frac{540}{1000}$ English miles) from the place of embarkation, the Captains and Supercargoes may be relieved from the formality of the *sobordos*, but in order to enjoy this exemption it is necessary that the cargoes shall be homogeneous and composed exactly and entirely of any one of the following articles: hides, timber (or lumber), staves, dyewoods, mineral coal, or horns provided that these articles are the product of the country from which the vessel comes; that the voyage is direct, and that the duties be assessed on the merchandise as a whole

XVII. All packages omitted in the *sobordo*, or manifest of the cargo, shall be liable to the penalty of seizure, a fine being imposed, in addition, upon the Captain to the amount of their value,—provided that the amount of duties upon the goods therein contained shall not exceed 800 escudos (400 dollars); but if the duties exceed this sum, and the articles belong to or are consigned to the owner, Captain or Supercargo of the vessel, the fine will not be levied, and in its stead the vessel, with its freights and all other profits, shall be confiscated.

XVIII. If, after the vessel's cargo is discharged, one or more of the packages declared shall be found missing without the invoice of their contents having been presented at the proper time, the Captain or Supercargo shall be deemed and taken to have committed fraud against the Treasury, and shall be fined 400 escudos (200 dollars) for each one of the missing parcels.

XIX. If the owner or consignee of an article not declared by the Captain, should within 48 hours present the invoice of the said article to the Custom House, no charge will lie against him, and the goods shall be delivered up to him; but in such case the Captain or Supercargo shall be held liable to pay a fine equal to the full value of the articles or goods not manifested.

XX. Without a permit from the Collector of Customs and examination by the chief of the Revenue Guard, nothing whatever can be landed. For the simple act of landing anything, although of little value and even though it be free of duty, the Captain or Supercargo shall pay a fine of 2,000 escudos (1,000 dollars), and all the articles seized as well as the boat or barge carrying them shall be liable to confiscation; provided that the duties the said articles would have had to pay shall not exceed 400 escudos (200 dollars); because if they exceed this sum the fine will not be levied and the vessel shall be confiscated.

XXI. Neither may any articles be transferred from one vessel to another in harbor, in small or large quantities, without fulfilling the conditions required by the regulations, and in the contrary case the Captains or Supercargoes are liable to the penalties prescribed in these regulations.

XXII. If articles, of great or little value, be landed in a port other than a declared port of entry, the vessel bringing them shall be confiscated with all her equipments.

XXIII. If the search, which must be undergone by all vessels before their clearance register can be issued, should show any excess of cargo, such excess shall be confiscated, imposing, in addition, a fine upon the Captain equal to the value of said excess.

XXIV. The same confiscation and fine as that mentioned in the foregoing article, shall be held to apply to all seizures made in consequence of fraudulent attempts to embark goods, fruits or other effects.

XXV. If the Captains or Supercargoes have not wherewithal to satisfy the amounts to which they may be adjudged liable, the vessels under they command shall be made use of for payment of all penalties and costs, unless the consignees should voluntarily offer to satisfy them.

XXVI. The traslation or despatch of any manifest or *sobordo* shall not be undertaken until the Captain or consignee shall have presented in the Custom House the corresponding Bill of Health.

XXVII. The Captains or Supercargoes of mail-steamers, under which denomination only those carrying the mail by commission from their Government and having fixed periodical days of departure from their respective ports can be included, may carry up to 10 tons of cargo without requiring a consular certificate, being obliged nevertheless to present a manifest of the cargo in the time and form prescribed in these regulations.

XXVIII. If the cargo carried by the mail-steamers exceeds 10 tons, the presentation of the *sobordo*, registered by the Consuls of Spain in the ports of departure, shall be obligatory; and in this case the Captains or Supercargoes may be permitted to declare up to 6 tons in addition without requiring the Consular certificate. If this figure be exceeded, the manifest shall be deemed and held not to have been presented, and the proceedings prescribed in the present regulations shall be enforced.

XXIX. The masters of fishing vessels or smacks coming from the neighboring coast and entering the ports of the Antilles laden with fish, or in ballast, are exempted from the presentation of Consular certificates.

CIRCULARS AND ORDERS HAVING REFERENCE WITH THE ABOVE REGULATIONS.

The following were published previous to the publication of the last or above Regulations:

DECLARATIONS MADE IN THE MANIFESTS.

In conection with the inquiry instituted regarding the declarationsmade in the manifests of some of the mail steamers touching at ports of this island, an order was issued, on the 10th of June last, that, until other regulatious were framed respecting cargo lists and manifests, the rules now existing must be rigorously enforced; and, as the Ordinances established by Government for the guidance of Captains & Supercargoes of vessels require that the manifests shall state, among other particulars, the number and description of packages that the vessel brings, and specify the marks and numbers of same, as also the gross weight and the generic class of the contents; and as the manifesting in general terms of «Merchandise,» «Produce,» «Provision» and other analogous items cannot be admitted to constitute a declaration of the generic class, it cannot be permitted that the regulations should be infringed without the infliction of the penalty provided in Rule No. 7, and not even mail steamers can be held to be exempt from the obligation of presenting a manifest in conformity with the conditions established for other vessels trading to this island, notwithstanding their being relieved from the necessity of bringing a cargo list countersigned by the Spanish Consul at their port of dispatch, when they fulfiil the conditions required by law, to entitle them to the privileges granted to regular mail steamers.

Report has also been made to H. I. E. the Intendant of a consultation by the Custom House authorities of Havana, dated the 20th of July last, as to the proper construction to be given to Rule No. 7, which provides for a penalty of a fine of 125 pesetas ($25) for violations of the Six preceeding rules and taking into consideration that the object contemplated by Government would not be obtained if said penalty were only imposed once for the different infractions committed in a manifest; bearing also in mind that the Project of New Ordinances drawn up by the Committe appointed for the purpose, provides for the penalty, in such a case, being imposed as many times as the rules are violated, H. I. E. has been pleased to resolve in conformity with the proposition of the Central Administration, that the fine of 125 pesetas ($25) imposed by Rule No. 7 of the Regulations issued by Government for the guidance of Captains and Supercargoes of vessels, shall be exacted as many times as the requirements of said regulations are infringed in the manifest.

Due notice of this order shall be given to the Spanish Consuls abroad and it shall be circulated to the Revenue authorities in this island, published in the Official Gazette of Havana and due report made thereof to the Supreme Government of the Nation.

Havana, August 3rd 1872.—Signed.—*Juan Miguel Ortiz.*

In addition to the application of the penalty provided by Rule No, 7 of the «Ordinances for the Government of Captains & Supercargoes of vessels,» every time that the due classification of packages and their contents, as required by the Circular Order of the 3rd inst., is omitted in a manifest; I have further ordered that the Administrators of Customs shall not permit the discharge of any vessel, the manifest of which does not contain the clear and definitive declaration which is prescribed; until the Captain shall have rectified the omission, by stating in a separate note, clearly and positively, that what has been manifested as «packages» is «boxes,» «barrels» or «bales» and that the goods described as «merchandise», «provisions», «produce», «ironware», «mercers goods» and by other analogous designations, of which undue use is made, are of generic classes such as «textile fabrics,» lard, rails, needles, mirrors, and other articles. The note, signed by the Captain and certified to by the Administrator shall be annexed to the manifest.

Havana, August 23rd 1872.—Signed—*Mariano Cancio Villaamil.*

DECLARATION OF ENTRY, &C.

In view of the injury resulting to the Customs' Service and to the interests of the State from the delays that frequently occur in the presentation of the declarations of Entry, & taking into consideration the necessity of shortening the period allowed for gratuitous deposit of goods entered for consumption, by the Royal Order of August 8th 1868, I have provisionally ordered, in conformity with the instructions of His Majesty's Government, and subject to the approval thereof, as follows.

Art. 1st. The fine of 2 % ordered to be levied on goods of which entry is not made before 48 hours after the arrival of the vessel bringing them, shall apply to the subsequent thirteen days.

2nd. When 15 days shall have elapsed after the arrival of the vessel, the *same fine shall be re-imposed* for every period of 24 hours or *fraction thereof* that shall be allowed to pass without presentation of the Notes of Entry.

3rd. In the event of the consignee being unable to make out his Note of Entry from his being in doubt as to any requisite particulars of same, he shall make a statement to the Administrator, in writing, explaining the causes of his presence, such an examination of the packages as may be strictly necessary to make the consignee ascertain the particulars of the contents.

4th. The privilege of deposit conceded by Royal Order of the 8th August 1868 for goods entered for consumption is hereby limited to the term of 45 days, which shall be reckoned from the date of entry of the vessels. The goods will be considered as abandoned on the expiration of said period.

5th. As regards the goods now in the Custom House Store, unentered, a period of 13 days is allowed for their entry; which term as also that of the 45 days allowed for deposit, are to be reckoned from this day, provided not more than fifty five days shall have elapsed from the date of their entry.

The period fixed in this order are prorroguable at the solicitation of parties interested on just cause being shown.

Havana September 6th, 1872.—Signed: The Intendant General, *Mariano Cancio Villaamil.*

Taking into consideration the necessity of adopting measures calculated to impede in the Custom Houses of the Island the presentation of merchandises in packages of large dimensions, and avoid the inconveniences produced by the declaration in more than one entry sheet of the contents of one item of a manifest, I have determined, in conformity with what has been proposed by the Central Administration and subject to the resolutions of the Government, the following:

1st. All bulky packages or bundles containing two or more parcels, exceeding two cubic meters, or of 1000 kilograms weight, will, on and after the 1st of January, 1873, be charged 2 per cent extra, on the value of their contents.

2nd. On and after the said date, owners and consignees will be under the obligation of expressing in the entry sheets the gross weight of each package, as well as the number of parcels they may contain, without prejudice to their explaining further on in the same sheet, the class, quality and quantity of the contents of each parcel, according to the item of the tariff it belongs to as is now practiced. The infraction of this measure will be subject to a penalty of 2 per cent on the value of the package.

3rd. For the differences between the gross weight declared and that which may result upon examination, provided said differences exceed 4 per cent more, or less, a penalty of one dollar for every five kilograms will be imposed.

4th. A declaration will be required for each item of the manifest of the vessel.

Every declaration which will not fully comprise one item only of the manifest, will be considered non presented, and the employees accepting it will be held responsible. Signed, *Mariano Cancio Villaamil.*

PRIVILEGES TO MAIL STEAMERS, &C.

The consignees and agents of several lines of steamers trading to this Island having applied to the Intendant General soliciting the remission of of the fines imposed upon their vessels for omission in the manifests of the statements of class of packages and nature of contents, required by law; and also of those fines imposed since the fifth of August last for each time the existing rules were contravened in the same manifests and alleging, in substance, that the manifests being made out in accordance with the Bills of Lading they had complied with the requirements of the law and likewise that they were within the privileges conceded to mail steamers by the existing Regulations; the Intendant has published a notice in the Official Gazette stating that the law which at first enjoined that the manifests should be made out in conformity with the Bill of Lading was amended by a Royal Order of the 12th March 1867 and by a Decree of the Regency on the 9th of June 1870 and now reads that the manifests must contain the generic description of the packages and their gross weight: so that the Bill of Lading is no longer the source where captains have to seek the required information, they being left to obtain it in the manner they may consider most efficacious.

H. E. further states that the privileges conceded by Government to mail steamers are only extended to such as being duly licensed by their respective Governments as mail steamers, have besides fixed days or hours of sailing from the respective ports, so that they may not be induced to alter them by prospect of increase of cargo and consequently that the said privileges cannot be enjoyed by Steamers whose principal business is not the conveyance of mail matter and that the tolerance by the authorities which has so far allowed vessels to be considered as mail steamers that only carried mails under a simple authorization or pass from the Post Office authorities does not give these lines any right or privilege nor alter the established rules, althought it is a circumstance to be borne in mind, with a view to the conciliation of the interests of commerce with the legitimate rights of the Treasury, and H. E. concludes that:

In future with a view that the Captains and supercargoes of all classes of vessels shall be strictly held to fulfil without any exceptions the Rules and Regulations to which they are subject; H. E. has resolved iu concurrence with the proposals of the Administrative Centre that for this time the fines so far imposed in consequence of the order issued on the 10th June and 7th of August 1872, for omissions in the Manifests and Consular cargo lits of the class of packages and generic descriptions of the merchandise contained therein, shall be remitted, and that, all Spanish and foreign vessels from foreign ports of the United States, Gulf of Mexico, West Indies and Spanish Main arriving in the Island from and after the 15th of October 1872 and from the ports of Europe and of the Pacific from 1st December shall be held strictly to the fulfillment of the requirements of the Regulations issued on the 1st of July 1859 for the guidance of captains and supercargoes of vessels and with the subsequent modifications thereof, as approved by the Order of the Regency of the 9th June 1870 and published in the Havana Gazette of the 19th of June following with the explanations of the 3rd and 23rd August, 1872, as regards the imposition of the fine of $25 for every time that the specification of the class of packages and of the merchandise they contain is omitted in the manifests and Cargo Lists and the remedy of this omission by the captains to enable them to obtain permits of discharge.

No other exception of the Consular Cargo Lists than those expressly established by the Royal Orders of the 7th March 1860 and of the 18th September 1867, in regard to Mail Steamers, fishing crafts, and vessels arriving from ports where no Spanish Consul resides and that only such shall be considered as mail steamers as besides being duly licensed by their Governments to carry Mails shall have fixed days or hours of sailing from the respective ports which circumstances shall be proved by the Companies or the Captains presenting on the first voyage to this Central Administration of Customs for its register and the necessary formalities, the Government license and a schedule of the voyage of the steamer, which documents shall subsequently be exhibited in each voyage at the time of handing in their manifests to the Custom house at the port of arrival.

Furthermore it is to be understood that a simple *pass* or *permit* for the mail bags cannot be considered as a license to carry the regular mails.

This order is to be communicated to the Spanish Consuls and is dated the 7th September 1872, and published in the *Gaceta* of the 19th.

W Wood

No 783. — U.S. Consulate General
Havana, March 6th 1879.

DEPARTMENT OF STATE
MAR 13 1879
RECEIVED

ackgd March 21

Mr Hall to the
Department of State.

Case of Mr Manuel José de Rojas.

Accompanying a copy of an official communication from the "General Direction of Finance" to Mr Rojas, in which he is informed that orders have been given for the restoration of his plantation the "San Rafael."

2 inclosures.

No 783.- U.S. Consulate General.
Havana, March 6th 1879.

Hon J.W. Seward.
Assistant Secretary of State.
Washington.

Sir:

With my dispatch No 779, of the 5th ultimo, I transmitted a copy of an official communication - dated the 4th February ult°, from the Secretary of the General Government to Mr Rojas, in which he was informed that orders had been given for the restoration of his plant= =ation "San Rafael", with the understanding that the restoration would be subject to the 5th Article of the Royal decree of 20th October 1877, and to the Edict of amnesty of the General in Chief of the Army, of 24th March 1878; in other words, that he

must renounce all claims to the products of the estate, during the period it has been held under embargo, and all claims for damages he may have sustained thereby and to consider that the restoration is made in virtue of the Edict of amnesty referred to.

On the 6th February ultimo, Mr Rojas addressed a memorial to the Governor General remonstrating against these conditions, and asking that his property might be restored, unconditionally, as was communicated to this office and transmitted to the Department on the 26 of April 1878. To this memorial the Governor General, through the Secretary, replied, substantially, that the conditions contained in his communication of the 4th February would not be changed.

Upon

upon those terms Mr Rojas, unhesitatingly, refused to accept the property.

On the 17th ult.o Mr Rojas addressed another memorial, to the Governor General, stating that the possessors of his plantation were doing it great injury and, in order to avoid, as far as possible, the losses he was sustaining, he asked — that a person, whom he named, might be appointed inspector to look after his — interests. To this, the Governor General replied, under date of 22d ultimo, that orders having been given for the immediate restoration of the estate and as Rojas could afterwards claim, of whom it may concern, the damages and injuries to which he — considers he has a right, the

the appointment of an inspector
1/ was inadmissible. I inclose
a copy and translation of
this communication.

In the condition, last described, the affair remained pending until the 5th instant when Mr Rojas received another official communication, dated the 27th ultimo, from the Director General of Finance,
2/ as per copy and translation enclosed, and to which I respectfully call your attention. This communication is a mere transcript of another, dated the 4th February, from the Governor General, and is notably different in tenor from the one of the same date, addressed to Mr Rojas, a copy of which accompanied my dispatch No 779.

The Governor General, in recapitulating, to the Director General of Finance, the antecedents

of this case, refers to a condition demanded by the Government, on 16th August 1876, when the lessees asked for certain modifica-tions of the lease of the estate "San Rafael;" this condition was, "that such modifications should in no way alter the time, ment-ioned in the original contract", for the duration of the lease: he refers also to the resolution of 26th April 1878 which was com-municated to this office: these resolutions he affirms were definite and could not be modified or revoked by any authority, not even by the same General Govern-ment, and that, in virtue of those resolutions, Mr Rojas has a right to the possession of his property. All of which must have been as well known to these authorities, a year ago, as now. Thus it appears, that the lessees have continued in possession

of the plantation nearly a year, (long enough to remove a valuable crop) beyond the time they had any right — whatever to such possession.

Should no new obstacle arise, Mr Rojas will now take possession of his property — and will, in due course, — forward the protest he has made in accordance with the suggestion of the Secretary General, contained in his letter of 22d ultimo herewith inclosed.

I have the honor to be Sir,
very respectfully
Your Obedient Servant.

Henry C Hall
Consul General.

Inclosures- Copies and translations.

1.— The Secretary General to Mr Rojas - February 22nd 1879.

2.— The same to the same, February 27th 1879.

Inclosure Nº 1.
With Dispatch Nº 783.
Havana, March 6th 1879.-
Translation.

General Government of
the Island of Cuba
Secretary's office
Political

His Excellency the Governor General being informed in regard to the memorial presented by you on the 17th instant, asking for the appointment of Don Santos Larralde, resident of Remedios, as inspector to impede the abuses which you state are being committed by the lessees of your plantation "San Rafael". His Excellency has decided, that, the appoint=
=ment of an inspector, which you ask, is inadmissible, the imme=
diate restoration of the said.

plantation having been ordered
and you can take possession
of the said estate with the
right of claiming afterwards,
of whom it may concern, the
damages and injuries to which
you may believe you have a
right.

Which by order of Y.E.I
participate to you for your
information and other purposes.

God preserve you many years
Habana, 2 February 1849.
R Galbis-

To Sr Don Manuel José de Rojas.

Copy.

Gobierno General de la
Isla de Cuba
—
Secretaria.
Politica.

Enterado el Exmo Sor Gobernador General de la instancia que con fecha 17 del actual presentó V. solicitando el nombramiento de veedor á favor de Dn Santos Larralde, vecino de San Juan de los Remedios, para que impida los abusos que V. manifiesta se están cometiendo por los arrendatarios del ingenio de su propiedad "San Rafael", S.E. ha acordado que, dispuesta la inmediata devolu=
=cion del referido ingenio y pudiendo V desde luego encar=
=garse de la expresada finca, á reserva de reclamar despues, ante quien corresponda los daños y perjuicios á que

crea tener derecho, no ha
lugar al nombramiento de
veedor, que V. pide.

Lo que de órden
de S.E. participo á V. para
su conocimiento y demas
efectos.

Dios gue á V. m.s a.s
Habana, 22 de Febrero de 1879
R Galbis.

Sr. Dn. Manuel José de Rojas.

Inclosure No. 2.
With Dispatch No 783.
Havana, March 6th 1879.

The Director General of Finance
to Mr Manuel José de Rojas.

Translation.

General Direction of Finance
of the Island of Cuba

Bureau 5th.
Embargoed Estates.

The Señor Secretary of the General Government under date of the 4th instant says to me the following:

"Excellency: His Excellency,
"the Governor General, having
"informed himself of all that
"results from the proceedings
"instituted in regard to the
"embargo and incautation

"of the properties of Don —
"Manuel José de Rojas, their
"restoration, the incidents —
"relating to burning of the
"plantation "San Rafael", the
"change or modification in
"the conditions of the lease
"of that estate, and of the
"petition of the lessees that
"their possession of the estate
"be respected until the termi-
"nation of the contract;

"Having seen the reports
"of the majority and the
"minority of the Administrative
"Council";

"Having seen the —
"resolutions taken by the —
"General Government on 16th
"August 1876 and the 26th April
"1878, which were duly commu-
"nicated to the General Direc-
"tion of Finance by the Secretary
"of the Government;

"Having seen the —

" resolutions dictated, on the
" 27th of July 1877 and of the
" 1st May 1878, as proposed
" by the said Direction, the
" ones and the others relating
" to the date upon which, the
" reformed lease of the plantation
"San Rafael" should cease;

Considering; that
" the resolutions, proposed
" by the "General Direction
" of Finance," to declare the
" right of the lessees of the
" said estate to continue in
" possession of it until the
" end of the month of August
" of the present year, or to the
" end of this crop, are in
" complete contradiction with
" those which this Government
" General dictated on the 16th
" August 1876 and the 26th of
" April 1878 - the former
" providing that the
" modification of the conditions

'of the contract does not alter
'the stipulated term of the
'first lease contract, and the
'second ordering the restora-
-'tion of the properties of Don
'Manuel José de Rojas —
'without conditions:

'Considering; that the
'resolution dictated by this
'Government General were
'definitive, *requiring observance,
'and could not be modified
'nor revoked by any authority
'not even by the same —
'Government which dictated
'them, the lessees having
'only the appeal of "recurso-
-"contencioso-administrativo":

'Considering; that the
'restoration to Don Manuel
'José de Rojas, of the planta-
-'tion San Rafael is in order
'and necessary, not because
'he was comprised in the
'telegram of the 7th December

1873

*"requiring observance" — the technical phrase in Spanish is — "cumplase estado".

"1873 nor because he could
"have been considered, on
"that date, an American
"citizen, but because the
"resolution of the 26th of
"August 1876 gives him a
"right to it, and because
"it was thus ordered on
"the 26th April 1878 and
"communicated to the
"Direccion de Hacienda"
"and to the Consul of the
"United States, which has
"created for this Government
"a false position, because it
"cannot refuse to carry
"out what it offered.

"His Excellency, the
"Governor General, accepting
"the bases in fact establish=
=ed by the "Administrative
"Council" in its report
"has decided that the
"resolutions of the 27th
"July 1877 and of 1st May
1878

"1878, taken at the suggestion
"of the General Direction of
"Hacienda, shall be under-
"stood as revoked, and
"that the ~~[illegible]~~ —
"restoration to Manuel
"José de Rojas, of the
"plantation "San Rafael,
"his property, situate in
"the jurisdiction of —
"Remedios, shall be effected
"immediately."

And its compliance having been accorded, I trans-cribe it to you for your — information, adverting that, under this date, the corresponding orders have been given, to the Collector of Revenues of Remedios and to the lessees Messrs & — Garralena & Gamis, to the effect, that they proceed to deliver the estate, referred to, in accordance with the inventory and the due formalities.

God

God preserve you many years.
Harana, Febuary 27th 1879.
Mariano Cancio. Villa-Amil.

. To Sr D. Manuel José de Rojas.

Copy — Direccion General
de Hacienda de la
Isla de Cuba.
Seccion 5ª.
Bienes Embargados.

El Ylmo Señor Secretario del Gobierno General, con fecha 4 del actual me dice lo siguiente:

"Exmo: Señor: Enterado el Exmo Sr Gobernador General de cuanto resulta de los expedientes instruidos sobre el embargo é incautacion

incautacion de bienes de Dn Manuel José de Rojas, la devolucion de estos, los incidentes relativos al incendio del injenio "San Rafael" variacion ó modificacion de las condiciones del arrendamiento de la espresada finca, y peticion de los arrendatarios para que se les respetára en la posecion de aquel hasta la terminacion del Contrato.

Vistos los dictámenes de la mayoria y minoria del Exmo Consejo de Administracion.

Vistos los acuerdos tomados por este Gobierno General en 16 agosto 1876 y 26 de Abril 1878 que oportunamente fueron comunicados por la Secretaria de Gobierno á la Direccion General de Hacienda.

Vistos

Vistos los acuerdos dictados en 27 de Julio de 1877 y 1º de Mayo de 1878 á propuesta de la citada Direccion; y relativos unos y otros á la fecha en que debia considerarse terminado el Contrato reformado, del arrendamiento del injenio "San Rafael":

Considerando que los acuerdos propuestos por la Direccion General de Hacienda para declarar el derecho que asistia á los arrendatarios de dicha finca, para continuar en posecion de ella hasta el mes de Agosto del año actual ó sea la termi= =nacion de esta Zafra, estan en completa contradiccion con los que dictó este Gobierno General en 16 de Agosto de 1876 y 26 de Abril de 1878 disponiendo el primero que la modificacion

de las condiciones del Contrato no alteraba el plazo estipulado en la primera escritura de arrendamiento, y ordenando el segundo que se devolviesen sus bienes á Dn Manuel José de Rojas sin condiciones:

Considerando que las resoluciones dictadas por este Gobierno General eran definitivas, causaron estado y no pudieron ser modificadas ni revocadas por ninguna otra autoridad, ni aun por el mismo Gobierno General que las dictó, quedando solo á los arrendatarios el recurso contencioso administrativo:

Considerando que la devolucion á Dn Manuel José de Rojas del injenio "Sn Rafael" es procedente y necesaria, no porque aquel fue comprendido en el

telégrama del 7 de Noviembre de 1873, ni porque pudiera en aquella fecha ser reconocido como Ciudadano Americano, sino porque, la resolucion de este Gobierno de 26 de Agosto de 1876 á ello le dá derecho y porque asi se acordó en 26 de Abril de 1878 comunicandolo á la Direccion de Hacienda y al Consul de los Estados Unidos; lo que ha creado una falsa posicion al Gobierno, que no puede negarse á cumplir lo ofrecido.

El Exmo Señor Gobernador General, aceptando los fundamentos de hecho consignado por el Consejo de Administracion en su informe, ha acordado se entiendan revocados los acuerdos de 27 de Julio 1877 y 1º de Mayo 1878 tomadas á propuesta de la Direccion de Hacienda;

y que se disponga desde luego
la devolucion inmediata á
Dn Manuel José de Rojas
del ingenio "San Rafael" de
su propiedad situado en
la jurisdiccion de Remedios."

Y, acordado su
cumplimiento lo traslado á
V. para su conocimiento, advir=
=tiendole que con esta fecha se
han dado las correspondientes
órdenes al Colector de Rentas
de Remedios y á los arren=
=datarios Señores Garralena
y Gamis para que procedan
á entregarle la finca de =
referencia con arreglo á =
inventario y con las formal=
=idades debidas.

Dios gue á V. mo ao
Habana Febrero 27 de 1879.
Firmado/ Mariano Cancio Villaamil

Sor Dn José Manuel de Rojas.

file & file

W Wood

No 784. U. S. Consulate General

Havana, March 8th 1879.

DEPARTMENT OF STATE
MAR
13
1879
RECEIVED

Mr Hall, to the

Department of State.

ackgd. March 21

Commercial Agency of Cárdenas.

The Governor General of Cuba, in a communication dated the 7th March 1879, states that orders have been given for the temporary recognition of Mr Thomas J. Wilson as Commercial agent at Cárdenas and to permit him to enter upon his official duties.

One inclosure.

No 784. U.S. Consulate General

Havana, March 8th 1879

Hon J. W. Seward.

Assistant Secretary of State.

Washington.

Sir:

Referring to your instruction No 489, of the 20th January, and to my dispatches No 777 and 781 of the 31st January and 14th February ult^o I now transmit a copy and translation of a communication from the Secretary of the General Government informing me that Mr Thomas J. Wilson, appointed commercial agent of the United States at

Cárdenas has been temporarily recognized, as such, and that he is permitted to enter upon his official duties. All of which I communicate to Mr Wilson under this date.

I am Sir, very respectfully
Your Obedient Servant.

Henry C. Hall
Consul General

Inclosure

1. The Secretary General to Mr Hall March 7th 1879.

Inclosure N°1

With Dispatch N°784.

Havana, March 1.879.

Translation.

Government General of the Island of Cuba.

Secretary's Office

Bureau of Political affairs.

Personal.

Under this date, the following is communicated to the Civil Governor of the Province of Santa Clara.

"Sir: His Excellency the Governor General by a resolution dated yesterday, has been pleased to admit Mr Thomas J. Wilson, c—

"appointed by the Government of the United States, Commercial Agent of said Republic at Cárdenas, to the use and exercise of his duties in that capacity, it being however understood that this measure is temporary only and subject to what may be ordered by His Majesty the King.

And by order of His Excellency I have the honor to communicate the same to you for corresponding effects."

At the same time and by the same order I am honored in communicating it to you, in answer to your attentive communication upon the subject.

availing myself with pleasure
of this opportunity to repeat
the sentiments of my most
distinguished consideration.

God preserve you many years

Harana, March 7th 1879.

R Galbis

To the Consul General of the U. States.

Copy - Gobierno General de la Isla de Cuba.

Secretaria - Seccion de Politica.

Personal.

Con esta fecha se dice al Señor
Gobernador Civil de la provincia de Santa
Clara lo que sigue:

"Exmo Senor: El Exmo Sr Goberna
-dor General en acuerdo fecha de ayer
se ha servido admitir á Mr Thomas
J. Wilson nombrado por el Gobierno

"de los Estados Unidos, Agente Comercial
"de dicha República en Cárdenas,
al uso y ejercicio de sus funciones
como tal, entendiendose esta medida
como interina y a reserva de lo
que tenga á bien disponer S. M. el
"Rey (q D g). = Y de órden de SE tengo
"el honor de comunicarlo á VE. á sus
"efectos."

Lo que á mi vez y de la
propia órden me honro en manifes-
tarlo á VS. como resultado de su atenta
comunicacion acerca del particular,
aprovechando con gusto esta ocasion
para reiterarle los sentimientos de
mi consideracion mas distinguida.

Dios gue á VS. ms años.

Habana 7 Marzo 1879.

R Galbis

Sor Consul Gral de los Estados Unidos.

Air + file.

Wood

No. 785 U.S. Consulate General

Havana, March 8th 1879.

DEPARTMENT OF ST
MAR
13
1879
RECEIVED

Mr Hall, to the

Ackgd. March 21 Department of State.

Commercial agency of Sagua la Grande.

The Governor General of Cuba, under date of the 7th instant, extends to Mr Joseph F. Swords, appointed Commercial Agent at Sagua la Grande the usual temporary recognition and permission to enter upon his official duties

2 Inclosures.

Nº 785. U. S. Consulate General.

Havana, March 8th 1879.

Hon J. W. Seward,

Assistant Secretary of State.

Washington.

Sir:

With reference to your instruction Nº 490 of the 20th January and to my Nº 777 of the 31st of the same month, relating to the appointment of Mr Joseph F. Swords as Commercial Agent of the United States at the port of Sagua la Grande, I have now to inform the Depart-ment, that the Governor General of the Island has

extended the usual temporary recognition and permission, to Mr Swords, to enter upon his official duties.

I transmit herewith copies of correspondence with the Superior Authority, upon the above subject, and will further add, that Mr Swords arrived here on the 25th ultimo and is now at his post and, he writes me, in charge of his office.

I have the honor to be Sir,

very respectfully

Your Obedient Servant.

Henry C. Hall
Commissioner

Inclosures.

1 - Mr Hall to the Governor General, January 27th 1879.

2 - The Secretary General to Mr Hall, March 7th 1879.

Inclosure Nº 1.

With Dispatch Nº 785

Habana, March 8th 1879.

Copy.

Consulate General of the United States of America at Habana.

January 27th 1879.

To His Excellency the Governor General.

&c &c &c.

Excellency:

Complying with the instructions of my Government, I have the honor to inform Y.E. that Mr. Joseph F. Swords has been appointed Commercial Agent of the United States at the port of Sagua la Grande in this Island.

I have further to inform

Y.E. that Mr. Sirord's certificate of appointment has been forwarded to the Legation of the United States at Madrid with the view of obtaining the recognition of the Government of H.M. In the mean-time, I am instructed to solicit of Y.E., permission for Mr Sirordes to assume temporarily the duties of his office upon his arrival at his post.

As far as I can learn Mr Swords has never resided in the dominions of Spain and has not yet arrived in this Island.

It may be proper to state to Y.E. that the Consular office at Sagua la Grande has been hitherto a despendency of the

Matanzas

Matanzas Consulate and that the growing importance of the commercial relations of the United States with that port has induced the Department of State to make it a separate office and to reserve for itself the appointment of the function- =ary to have charge of it.

I have the honor to be, with high respect,

Y.E.'s very Obedient Servant

(Signed) Henry C. Hall

Consul General.

Inclosure N°2.
With Dispatch N°. 785
Habana, March 8th 1879.
Translation.

Government General of the Island of Cuba.

Secretary's office
Bureau of Political affairs.
Personal.

Under this date, the following is communicated to the Civil Governor of the Province of Santa Clara.

Sir: His Excellency the Governor General, by a resolution dated yesterday, has been pleased to admit Mr. Joseph F Swords, appointed by the Government of the United States, Commercial Agent of said Republic at Sagua la Grande to the use and excercise of his duties in that capacity, it being however understood that this measure is temporary only

"and subject to what may be ordered by His Majesty the King.

And by order of His Excel-
=lency I have the honor to
communicate the same to you
for corresponding effects."

At the same time and by the same order I am honored in communicating it to you, in answer to your attentive communi-
=cation upon the subject. availing myself with pleasure of this opportunity to repeat the senti-
=ments of my most distinguished consideration.

God preserve you many years
Havana, March 7th 1879.
R. Galbis

To the Consul General of the United States.

Copy. Gobierno General de la
Isla de Cuba.
Secretaria.
Seccion de Politica.
Personal.

Con esta fecha se dice al Señor Gobernador Civil de la provincia de Santa Clara, lo que sigue:

"Exmo Señor: El Exmo Sr Gober=
=nador General en acuerdo fecha de ayer se ha servido admitir á Mr. Joseph F. Sprords nombrado por el Gobierno de los Estados Unidos, Agente Comercial de dicha República en Cárdenas, al uso y ejercicio de sus funciones como tal, entendiendose esta medida como interina y á reserva de lo que tenga á bien disponer S.M. el Rey (q D g). Y de órden de S.E. tengo el honor de comunicarlo á V.E. á sus efectos."

Lo que á mi vez y de la propia órden me honro en mani=festar á V.S. como resultado de su atenta comunicacion acerca del

particular, aprovechando con gusto esta ocasion para reiterarle los sentimientos de mi consideracion mas distinguida.

Dios gue á V.S. m.s a.s

Habana, 7 Marzo 1879.

R. Galbis

Señor Consul General de los Estados Unidos.

Mr Wood

No 486. U.S. Consulate General.

Havana, March 8th 1879.

DEPARTMENT OF S.
MAR
13
1879
RECEIVED

Mr Hall, to the

Ackgd March 21 Department of State.

Acknowledging the receipt of instructions-

No 492 dated February 5th

" 493 " " 12th

" 494 " " 28th

" 495 " " 28th - 1879.

No 494, transmitting a duplicate passport of Ygnacio V. Herrera.

N°786. U.S. Consulate General.

Havana, March 8th 1879.

Hon William Hunter.
Second Assistant Secretary of State
Washington

Sir:

I have the honor to acknowledge the receipt of instructions nos: 492, 493, 494 and 495 dated, respectively, the 5th 12th 28th and 28th Febru=ary 1879.

N° 494 accompanies a duplicate of passport n° 9981 dated 5th October 1878, in favor of Ygnacio V. Herrera, which will be delivered to him if, as suggested in the

instruction, there should,
upon due inquiry into the
matter, appear to be no special
reason for withholding it.

I am Sir, very respectfully
Your Obedient Servant
Henry Ollall
Consul General.

Dirk v folio

Durlwood

No. 787. — U.S. Consulate General

Havana, March 14th 1879.

DEPARTMENT OF S.
MAR
20
1879
RECEIVED

Mr Hall, to the

Department of State.

ackgd March 21

Chinese laborers in Cuba.

Acknowledging the receipt of instructions No: 496 of 4th instant, relating to Chinese laborers in Cuba.

No 787. — U.S. Consulate General.

Havana, March 14th 1879.

Hon J.W. Seward

Assistant Secretary of State.

Washington.

Sir:

I have the honor to acknowledge the receipt of your instruction No 496, of the 14th instant, transmitting a copy of the new treaty, between China and Spain, in regard to the emigration of Chinese laborers to this Island.

The subject of the instruct-ion will receive my careful attention and will be reported upon hereafter.

I am Sir, very respectfully

Your Obedient Servant.

Nancy C. Hall

Consul General

Dulwood

No 788. U.S. Consulate General
Havana, March 14th 1879.

Ackgt.

DEPARTMENT OF STATE
MAR 20 1879
RECEIVED

Mr Hall, to the.

Department of State.

Case of Mr Manuel José de Rojas.

Acknowledging the receipt of instruction No 497 of the 4th March 1879, transmitting copies of correspondence between the Department and the Minister of Spain, in relation to the above case.

No 788. U.S. Consulate General.
Havana, March 14th 1879.

Hon William M. Evarts.
Secretary of State.
Washington.

Sir:

I have the honor to acknowl-
-edge the receipt of your instruction
No 497, of the 4th instant, transmit-
-ting copies of correspondence
between the Department and
the Spanish Minister at
Washington, in relation to the
property of Mr Manuel José
de Rojas.

With my dispatch No
783 of the 6th instant, I forwarded
a copy of an official communication,
dated 27th ultimo, addressed to
Mr Rojas, by the Director
General of Finance in which
Mr Rojas was informed
that orders had been given
for the immediate restoration

of the estate "San Rafael".

Notwithstanding the positive terms of the above mentioned communication, it appears, that up to yesterday, the official, charged with the duty of delivering the estate, had received no instructions to that effect from the Director General. I learn, however, that orders of the most terminant character were transmitted yesterday, by the Governor General himself, and it may be reasonably supposed that these will be carried out.

I have the honor to be, Sir,

very respectfully

Your Obedient Servant

Henry C Hall

Consul General.

Mr Wood

No 1 copy sent with
this and with
enclosure

No. 789. U.S. Consulate General.

Havana, March 17th 1879.

DEPARTMENT OF STATE
MAR
24
1879
RECEIVED

Mr Hall, to the

ackd. April 8

Department of State.

The economic question of Cuba.

Accompanying an article from the "Revista Económica" of Havana. in regard to the economic question in Cuba, and warning the Government, that the Island is threatened with famine.

Two inclosures.

No 789. U.S. Consulate General.

Havana, March 17th 1879.

Hon F. W. Seward.

Assistant Secretary of State.

Washington

Sir:

Referring to my dispatches No 756, of the 27th November 1878, and No 782 of 19th ultimo, I now transmit a number of the "Revista Económica", a newspaper of this place, containing an article, upon the economic situation of this Island. The facts set forth in this paper merit, in my opinion, the special attention of the Department. 1/2

The writer of the article

calls the attention of the Govern-
-ments of Spain and of the
Island, to the economic situation
of the latter, asserting with
notable boldness that with a
few months more of inaction,
they will be called upon to
solve a problem, more difficult
and more disastrous than any
which has yet presented itself
in Cuba - the problem of a
famine.

Attention is called
to the estimated expenses of
this Government for the coming
fiscal year: the writer shows,
by comparisons, that there is
no country, in the world, which
has to support such enormous

burdens

burdens of taxation as Cuba. The expenses of the Government are set down at 153.18 pesetas (francs) per capita, for a total population of —— 1,450,000 —— including slaves, and at 172.45 pesetas, per capita, for 1,288.100 free inhabitants. He compares the figures with those of the estimates of Spain and shows the relation of taxation with Cuba to be 1 to 3,858: in other words, that the taxes in Cuba are, relatively, nearly four times greater than in Spain. At the same ratio, with their popula= =tion, the expenses of the Govern =ment of the United States —— would be not less than 1,500

millions a year.

After urging the importance of reciprocity treaties with the United States and other nations, he calls attention to the vital necessity of permitting the free importation of wheat flour and shows how the inhabitants of Cuba are compelled to consume Spanish flour at a cost of $15.50 gold a barrel, when it could be obtained at a cost, not to exceed — $6.50.

The writer, however, errs in attaching importance to the market of Spain and to the establishment of refineries there for Cuban sugars: in this c,

connexion, I beg leave to refer to Mr Williams dispatches, N°724 of the 28th August and N°733 of the 12th September 1878. There is no important market for these sugars except the United States, and the sooner the Governments of Cuba and of Spain convince themselves of that fact, the better it may be for the island and for all the interests connected with it.

There are many conflicting interests, both here and in Spain, the interests of monopolists, opposed to any such concessions as those demanded by the writer of the article; these interests have hitherto been sufficiently powerful to

resist, successfully, all the reforms which the Government of Spain, from time to time, has desired to introduce into the political and economical administration of the Island, and they may still be powerful enough to further postpone their introduction: but the fact that an article like the one in question can be published in Cuba is a hopeful sign of progress.

I am Sir, very respectfully
Your Obedient Servant

Henry C Hall

Inclosures-3
1-The "Revista Económica" of Havana of March 14th 1879.-
2- Translation from the same.

Consul General

Inclosure Nº2
With Dispatch Nº. 789.
Harana March 17th 1879.

Translation.

From the "Revista Económica"
of Harana, March 14th 1879.

— To be, or not to be. —

"To be, or not to be; that is the question.
Shakespeare - Hamlet - Act III - Sc. 1.

The "Revista Económica"
is called upon, today, to comply
with a concientious duty. —
Having deeply rooted in our
heart a love of our countrymen
on both sides of the Atlantic -
who, under the protection of
the Castilian flag, aspire to the
progressive development of
their elements of wealth; a
development without which
it is impossible for society to
advance in the various phases
of life, we consider it an —

imperative duty, imposed by its importance and history, to direct our voice to the Government of the Nation, to that of the Island, and to all others who take an interest ~~xxxxx~~, not only in the welfare but in the very existence of Spanish nation-
=ality, as well in the one as in the other hemisphere.
The present moment is critical: a few months more of inaction and, — throughout the whole of Cuba, we shall find we have to solve the problem of a famine with all its accompanying horrors; and this too in a country, desolated by the storm of a war which has carried desolation and ruin to the greater part of its area.

We live in a century

in which no people will rush into a prolonged and general war for the sake of dogmatic issues; not for liberty of conscience, for that was proclaimed and secured in the 16th century; nor for civil and political rights, secured in the 18th century. But, to the 19th century is reserved, in a special manner, to undertake the solution of the <u>economic problem</u>; an equation in which one of the parts represents <u>the necessities of subsistence</u> and the other the resistence of nature and of man to the attainment of those necessities.- The large current of emigration and contemporary civil and international wars obey, in an almost

exclusive measure, the effects of the struggle which mankind undergoes for its existence. "A struggle for life".

And, in regard to the solution of the economic-social problem, neither the Spanish Metropolis nor its possessions in America and Asia are indifferent; and if anywhere, evidence has been shown of the economic source of the struggle, it has been in Cuba, where the negative results of the "Junta de Informacion" of the year 1866 brought upon it, as a compulsory sequel, the insurrection of Yara. Nearly ten years did this terrible strife last and the constancy and bravery displayed by the contestants show clearly

they

they were brothers. And that struggle, which became more and more inflamed in proportion with partizan bitterness; would have ended by destroying the productive forces of their country, depopulating it and reducing it to ruins, if the elevated political spirit of General Campos had not interposed a brotherly embrace, where before had been announced only "unconditional surrender or extermination".

The most patent proof that, on both sides, measures of violence were entirely abandoned, is found not only in the proclamation of Governor General Jovellar, dated 14th June 1878, wherein he truthfully stated: "The "field is free of foes: there "are no longer enemies, but

brothers" — but that the Island has enjoyed more tranquility than the Metropolis itself, since the termination of its civil war.

But the responsibility of elevated positions always engenders a spirit of distrust in those who fill them, — even if at times it does not tergiversate the judgment of the clearest and most intelligent minds — and that spirit soon disclosed itself in the report of the Director General of Finance which preceeds the Decree of 28th October 1878, upon which the General Government ordered, as a provisional measure and from the 1st November following, that the present estimate should take effect.

The

The report is the most eloquent impugnation which could have been made against an estimate for a period of peace; ——— #46,293,506.22/ gold - for a country impoverished by war, desolated by hurricanes, inundated by tropical rains and decimated by fever and pestilence!

The recapitulation of the estimate of expenses for 1879/80 is as follows:

Bureaus. —	Dollars —	Percentage —
1. — General liabilities	$ 11,401,926.74	24.63
2. — Courts of Justice	" 948,110.60	2.05
3. — War	" 24,673,408.68	53.30
4. — Finance	" 1,489,610. —	3.22
5. — Marine	" 3,895,433. —	8.41
6. — Government	" 2,772,986.80	599
7. — Public works	" 966,910. —	2.09
8. — State	" 63,700. —	0.14
9. — Fernando Po. -	" 81,420.40	017
Total	$ 46,293,506.22	100. —

This sum reduced to

The "peseta" is the present monetary unit of Spain: its value is the same as the "franc" of France.

pesetas, considering the value of the gold dollar of Cuba = equivalent to 4.798/1000 pesetas, of the monetary system of the Peninsula, are equivalent to 222,116,242.84 pesetas or to a tax, "per capita", of 153,183 pesetas imposed upon a popu-lation of _____ 1,450,000 inhabitants, or say:

172.45 pesetas

for each one of the 1,288,000 free inhabitants. Compare it with the taxes imposed in Spain, and this compar-rison is pertinent inasmuch as the estimate of Cuba is an estimate for a State and not for a Province. The Metropolis, after a costly civil war of seven years duration raises its estimate for 1878 to 1879 to. _____ 753,177,865 pesetas- or a tax "per capita" of _____ 44.698 pesetas.

Its

Its army and navy budgets absorbe only 143,573,489 pesetas or 19.07 per centum of the total estimate, while the army and navy expenses of Cuba consume 61.71 per cent of its respective estimate. If we compare the tax, per capita, we will find that of Spain to be in relation to that of Cuba as 1 to 3,858.

If from the Metro=polis we pass to foreign nations, no matter what may be their social and economic condition, whether in circumstances more favor=able or adverse than those of the Island, we will not find one, even, so excessively taxed as Cuba.

There exists no nation in Europe nor in America, however vast may be its —

international relations, nor however important the interests it may have had to protect, nor however destructive or numerous the wars it may have sustained, during our century, which presents a schedule of such enormous estimated annual expenses as that which weighs upon Cuba. Let the figures speak.

	Pesetas -
Germany	15.62
United States	27.84
France	75.35
Italy	51.33
Cuba	172.45

Other countries, that contend with the disadvantages of a small population, over an extensive territory, and whose international relations are reduced by reason of their limited industrial productions, and in which civil wars —

consume

consume their resources and debilitate their productive forces, neither offer, not even approximatively, a 'per-capita' tax that can be compared with that of this Island.

	Pesetas
Bolivia	11.26
Chile	48.86
Columbia	4.63
Costa Rica	71.80
Equador	23.01
Guatemala	18.59
Honduras	5.52
Mexico	12.79
Nicaragua	38.75
Paraguay	10.77

And were we disposed to extend the comparison, we might refer to a country which has retroceded in the way of civilization; in which fetichism, war and anarchy are leading it to a state of barbarism, which

might reach cannibalism, if it were not that Nature has, as it has with Cuba, lavished upon it, with a prodigal hand, resources of subsistence of easy acquisition; in that country the capitation tax amounts to only 37.21 pesetas.

The country here referred to, is, without doubt, the Island of Santo Domingo.

Well did Mr. Villa-amil remark, that he himself found an "immense difficulty" in deciding the question, whether the revenues, as he estimated them, could or could not be borne by the productive forces of the country. And the truth is that the Cuban Treasury, taking into consideration the <u>inalterable</u> conditions upon which these estimates were presented, must have proved a dangerous shoal in the way of any

<u>statistician</u>

statistician who may have decided to risk its dangers; because, what happens to an individual may happen to a nation; it is needless for him to say — "I require an "income of one million of dollars," — if, in reality, his capital only produces him the one hundredth part of the million; and the result is, if the prodigal persists in spending more than his income, that he will not have to wait long before he finds himself reduced to want, to discredit and, — perhaps, to dishonor. We therefore proclaim the imperative necessity of reducing expenses to a sum much less than the estimate of 1864 & 1865, for the simple reason that the present economic —

The estimate for the year 1864/65, was $ 888,861,481. leaving a big surplus for remittances & drains.

situation cannot, by any means, be compared with that of that year.

We likewise proclaim the necessity of losing no time in studying the bases for a treaty of commercial reciprocity with the United States, the Dominion of Canada, England, France, and with all that constellation of republics where the spirit of Spanish civilization lives and is making gigantic strides, and for which, were we to follow the indications of Nature and forever renounce the foolish policy of adventures, we would gain valuable fraternal sympathy.

—Cuba should be the free emporium of their growing commerce and the oasis

where the trader of every
continent might come to
rest and to place himself
in communication in the
extended route over which
his merchandise must
pass; as was Barcelona
at the time she was queen
of the Mediterranean: we
have a peculiar horror of,
studying 'las cosas Cubanas:
whenever we recall to memory
the special laws promised
in 1837, whenever we remember
the Minister of Ultramar,
Señor Seijas Lozano, who
undertook the careful study
of the ultramarine questions
after taking charge of that
port folio; and the moment
arrived when he had to
abandon the ministry—
without having finished
his studies.

Cuba needs or,

she will perish by famine, that flour and certain articles, of prime necessity, be permitted to enter free of duty and absolutely free of all impost..

The millers of "Castilla" have no more right to impose a deadly monopoly upon the inhabitants of Cuba, than they have to forestall the subsistence of the peninsular provinces. At this moment, the wheat growers are agitating in order to induce the Government to increase the import duty on wheat coming from the United States, for the reason, that notwithstanding the 5.82 pesetas per 100 kilograms it pays upon importations, as it is of a better quality

than

than the Castilian grain, and the latter being very notably scarce, it crosses the Atlantic and enters into competition with the wheat of 'Castilla', to come later to Cuba converted into flour. And the proof that we do not exaggerate, is in the statistics published in the "Gaceta de Madrid" see its numbers of the 20th and 23d January ultimo.

"The importation of wheat and of wheat flour during the first eleven months of 1877 and 1878 has been the following:

	1877	1878
	Kilograms	Kilograms.
Wheat.	9,203,263	50,440,117.
Wheat flour	4,016,637	3,543,874.

The exportation of the same articles during the same months and years.

has been:

	— 1877. —	— 1878 —
	Kilograms	Kilograms
Wheat	37,091.578.	14,877.106
Wheat flour	88,151,379.	13.924,562

and while we, in the past year 1878, have imported into the Island some 36 millions kilograms of flour, we have consumed it at a cost of $15.50 gold per barrel when we could have obtained it at $6.50: obtaining, at the same time, that the American market should open its doors to our sugars.' because it is a great illusion, the belief that if the Metropolis would admit our sugars, free of duty, these would find there a more natural market than in the United States: and the reason is obvious to those who are aware of the waste which sugars experience in a long

36 millions kilograms are in equivalent to about 360,000 barrels.

Cuban sugars pay in Spain a duty of 40 29/100 pesetas per 100 kilograms - about 8 cents per pound, and nearly double the present duty in the United States

voyage and their small consumption in the Peninsula. It is certain, however, that Spain might erect refineries for Antillian sugars with which a new channel for labor and a market for European consumption would be opened.

As regards laborers for agriculture, it would be easy for the Metropolis to obtain them for Cuba, without monopolies depressive to human dignity: no great ingenuity would be required to turn the migratory current, now flowing from her bosom to seek disastrous misery in the republics of Meridional America, towards Cuba.

But upon this point it must not be forgotten that while labor is degraded

in Cuba, there will be no Spaniard, however unfortunate he may be, who would subscribe to a degradation of his character as a freeman, even if he should thereby be declared exempt from military service.

And as we must terminate this article, the "Revista Economica" declares that the exceptional situation of this Island calls for especial proceedings of the Government, but not founded on personalism, which, however enlightened and liberal it may be, will be always exposed to the very grave errors emanating from it: the country needs to discuss and to vote its estimates from the moment in which they cease to be of a provincial character - for it is not possible. and years of painful experience have demonstrated

it -

it - that neither the Ministry of Ultramar, well versed in questions of appointments it being its special prerogative, nor the Cortes, themselves, — possess a proper knowledge of the wants and the resources of this Island; nor do they feel themselves moved by a spirit of local interest, so necessary for knowing its requirements: as we said, at the beginning, the time is critical, because the misery which today — prevails in some parts of the Island, is extending itself rapidly and becoming more acute, and that the Govern- -ment, the parties and all the inhabitants of Cuba must contribute with their strength and their intelligence to — avoid that the famine, which already approaches, shall develop the most frightful

and terrible problem that
any country has to solve: the
crisis of a people in delirium,
that dies of hunger because
it cannot produce, retroceedes
to barbarism, tearing itself
to pieces and realizing, the
ominous aphorism of the
profound Hobbes: <u>Homo
hominii lupus.</u>

Let us strengthen
our hearts: let us inspire
our conduct by the love of
this land where our fortune
is and which we must
legate to our children: let
us lay aside that egoism
which petrifies expiring
nationalities; because dangers
threaten Spaniards on the
one and the other side of
the Ocean; because in the
19th century there is no
stronger fellowship than
that of economic interests,

and the catastrophe which threatens us, if we shut ourselves deaf to the unmistakable signs of the time, will not be limited to sinking the "Odalisque of the West" into barbarism and misery, but, scaling the waves of the Atlantic, it will carry bankruptcy and prostration to the shores of the mother country; causing, in her natural existence, a crisis more difficult, more dolorous, prolonged and convulsive than the crisis initiated by the victory of Villalvar, which drove from the country the moors and Jews and with them the prodigious savings of their industry and led to the prostration in which the 'Rey hechizado' left it.

Let Spain save Cuba and she will have secured,

as far as upon the latter depends, the welfare of Spaniards in the two worlds.

And in the grand and arduous emprise of saving a country from barbarism, the most responsible, and for that reason the most honorable, part is assigned to the present "Director of Finance" and to him, whom the submarine cable announces to us as the President of the Council of Ministers, if both, as we hope, undertake it with ardor, they will obtain pure and imperishable renown as statesmen. What opportunity, more brilliant, could fortune offer them?

Inclosure No 1.



REDACCION: ZULUETA, 73. DIRECTOR: FRANCISCO CEPEDA. ADMINISTRACION: ZULUETA, 73.

Año II.—Núm. 74. | SE PUBLICA LOS DIAS 7, 14, 21 Y 28 DE CADA MES. HABANA 14 DE MARZO DE 1879. | Tomo II.—Núm. 38.

SUMARIO.

Ser ó no ser.—Nuestras causas criminales.—Los correos de las Antillas. El Sr. Herrera y la opinion pública.—No hay tales borregos. Cambio de frente operado en los procedimientos de la Compañía del Gas.—El Banco de Santa Catalina. IV. Dudosa situacion de esta Empresa.—La Internacional. La cuestion del Socialismo solo puede resolverse económicamente, y bajo este concepto debemos abordarla. *La Voz de Cuba* y el Zanjon. El Zanjon y el *Diario de la Marina.*

SER O NO SER.

To be, or not to be; that is the question.
Shakespeare.—Hamlet.—Act III, Sc. I.

La Revsta Económica viene hoy á cumplir un dictado de su conciencia. Arraigado en su corazon el amor á sus hermanos de uno y otro lado del Atlántico, que al amparo de la bandera castellana aspiran al progresivo desarrollo de sus elementos de riqueza, desarrollo sin el cual se hace imposible el mejoramiento de las sociedades en las diversas faces de su vida; cree un deber imperioso, que su significacion y su historia le imponen, el dirigir su voz al Gobierno de la Nacion, al de la Isla y á cuantos se interesen, no ya sólo por el bienestar sino por la existencia misma de la sociedad española, así en uno como en otro hemisferio. Y los momentos presentes son críticos: algunos meses más de inaccion y Cuba entera verá planteado con todos sus horrores el *problema del hambre*, y esto precisamente en una tierra azotada por el huracan de una guerra que ha llevado la desolacion y la ruina á la mayor parte de su área.

Vivimos en un siglo en que ningun pueblo se lanzará á una guerra prolongada y general por cuestiones dogmáticas,—que la libertad de conciencia quedó proclamada y asegurada en el siglo XVI; ni por la libertad civil y política afianzada en el XVIII. Pero al siglo XIX le estaba reservado, de una manera especial, plantear el *problema económico*, ecuacion en que uno de los miembros representa las *necesidades de la subsistencia* y el otro *las resistencias* de la naturaleza y de los hombres á la satisfaccion de aquellas necesidades. Las grandes corrientes migratorias y las guerras civiles é internacionales contemporáneas, obedecen de una manera casi exclusiva á la lucha que la especie humana libra por su existencia. *Struggle for life!*

Y á la solucion del problema *económico-social* no son ajenos ni la Metrópoli española ni sus posesiones en América y Asia; y si en alguna parte se ha evidenciado con toda claridad el orígen económico de la lucha ha sido en Cuba, donde los resultados negativos de la Junta de Informacion de 1866 trajeron como obligada secuela el levantamiento de Yara. Casi diez años duró la contienda terrible en que la constancia y el valor desplegados por los combatientes mostraron claramente que eran hermanos. Y esa lucha que se enardecia tanto más cuanto mayor era la exaltacion de las opiniones, hubiéra acabado por agotar las fuerzas productoras del país, despoblándole y reduciéndole á escombros, si la levantada política del general Campos no hubiéra brindado el *abrazo* allí donde algunos meses ántes se proclamaba la *rendicion incondicional ó el exterminio.*

La prueba más patente de que por una y otra parte se renunciaban los medios de violencia, está no sólo en la proclama del 14 de Junio en que el Gobernador General Jovellar decia con toda verdad:—"El campo está libre: no quedan ya enemigos sino hermanos,"—sino que desde entónces el país ha gozado de una tranquilidad más segura que la de la misma Metrópoli, después de la terminacion de su guerra civil.

Pero como la responsabilidad de elevados cargos engendra siempre el espíritu de desconfianza, en los que los ejercen,—si es que á veces no logra torcer el criterio de las inteligencias más claras,—no tardó aquél en revelarse en la exposicion del señor Director General de Hacienda que precede al Decreto de 28 de Octubre de 1878 por el que el Gobierno General disponia interinamente que desde 1º de Noviembre inmediato rigiese el actual presupuesto.

La mencionada exposicion es la más elocuente impugnacion que hacerse pudiera de un presupuesto de paz de $46.293,506.22 en efectivo, para un país esquilmado por la guerra, destrozado por los huracanes, inundado por lluvias torrenciales y diezmado por las fiebres y la peste.

El resúmen del presupuesto de gastos para 1879 á 80 es como sigue:

Secciones.	Pesos.	Tanto p.§
1ª Obligaciones generales	11.401,926.74	24.63
2ª Gracia y Justicia	948,110.60	2.05
3ª Guerra	24.673,408.68	53.30
4ª Hacienda	1.489,610 —	3.22
5ª Marina	3.895,433 —	8.41
6ª Gobernacion	2.772,986.80	5.99
7ª Fomento	966,910 —	2.09
8ª Estado	63,700 —	0.14
9ª Fernando Póo	81,420.40	0.17
Total	46.293,506.22	100.00

Convertida esta suma á pesetas, en el supuesto de que un peso de oro de Cuba=4.798 pesetas del sistema vigente en la Península, resultan pesetas 222.116,242.84, ó sea una capitacion de 153.183 pesetas para una poblacion de 1.450,000 habitantes, ó bien una de

172.45 pesetas

para 1.288,000 habitantes *libres.*—Compárese con la Península,—y la comparacion es pertinente, toda vez que el presupuesto de Cuba es un presupuesto de *Estado* y no de *Provincia.*—La Metrópoli, despues de más de siete años de costosa guerra civil, eleva su presupuesto de 1878-79 á 753.177,865 pesetas ó sea una capitacion de

44,698 pesetas:

sus gastos de guerra y marina absorven solamente 143.573,489 pesetas ó sea el 19.07 por 100 de la total erogacion, en tanto que los de Cuba consumen el 61.71 por 100 de su respectivo presupuesto.—Si se comparan las capitaciones, obtendrémos que *la de España se halla á la de Cuba en relacion de* 1 *á* 3.858.

Si de la Metrópoli pasamos á las naciones extranjeras, cualquiera que sea su estado social y económico, en circunstancias más favorables ó más adversas que las de la Isla, no encontrarémos ni siquiera una que esté tan recargada como Cuba.

No existe nacion europea ni americana por vastas que sean sus relaciones internacionales, ni por importantes los intereses que deban proteger, ni por destructoras ni multiplicadas las guerras que hayan sostenido en nuestro siglo, que presenten una capitacion de gastos de presupuesto anual tan enorme como la que aflige á Cuba. Hablen las cifras.

	Pesetas.
Alemania	15.62
Estados Unidos	27.84
Francia	75 35
Italia	51.33

Otros paises, que luchan con los inconvenientes de escasa poblacion en extensísimas áreas y cuyas relaciones internacionales son reducidas por razon de sus exíguos productos industriales, y en que las guerras nacionales y civiles devoran los recursos y amenguan las fuerzas productoras, tampoco ofrecen, ni aproximadamente, capitacion comparable á la de esta Isla:

	Pesetas.
Bolivia	11.26
Chile	48.86
Colombia	4.63
Costa-Rica	71.80
Ecuador	23.01
Guatemala	18.59
Honduras	5.52
Méjico	12.79
Nicaragua	38.75
Paraguay	10.77

Y si extremar quisiéramos la comparacion, recordarémos que en un país que ha retrocedido en la via de la civilizacion y en que el fetichismo, y la guerra, y la anarquía le van conduciendo al estado salvage, que rayar pudiera en antropofagia si allí la Naturaleza, como en Cuba, no hubiera derramado, con mano pródiga, recursos de subsistencia de fácil adquisicion; en ese país la capitacion es sólo de 37.91 pesetas.

Bien decia el Sr. Villaamil, que para él era "inmensa la dificultad" de resolver si los ingresos, tales como los presupone, son ó no soportables para las fuerzas productoras del país. Y la verdad es que la Hacienda cubana, dadas las condiciones *inalterables* con que se presentaban los prerupuestos, habria de ser un escollo mortal para cualquies

estadista que se decidiese á arrostrar sus peligros; porque sucede á los pueblos algo parecido á lo que acontece al individuo: no basta que éste diga:—"necesito una renta de un millon de pesos" —si en realidad su capital sólo le rinde la centésima parte del millon: y resulta que si el pródigo persiste en gastos superiores á sus ingresos, no tardará en verse reducido á la miseria y al descrédito, y probablemente á la deshonra. Así, pues, proclamamos la necesidad imperiosa de reducir los gastos á una cantidad mucho menor que la del presupuesto de 1864-65, por la sencilla razon de que el estado económico actual no es comparable, ni con mucho, al de dicho año.

Proclamamos asimismo la necesidad de no perder el tiempo en el *estudio* de las bases que se hayan de sentar á un tratado de reciprocidad comercial con los Estados Unidos, el Dominio del Canadá, Inglaterra, Francia y esa constelacion de repúblicas en que palpita y se agiganta el espíritu de la civilizacion española y para las cuales,—si seguir quisiéramos las indicaciones de la Naturaleza, y renunciar para siempre á la torpe política de aventuras que tanto nos enagenara valiosas simpatías fraternales,—Cuba debiera ser el libre emporio de su comercio creciente y el oásis en que el traficante de todos los continentes viniera á descansar, y ponerse al habla en la via extensa que recorrieran sus mercancías; á la manera como Barcelona un tiempo fuera la reina del Mediterráneo: tenemos horror al *estudio* de las cosas cubanas, cada vez que recordamos las leyes especiales prometidas en 1837, cada vez que nos viene á la memoria el Ministro de Ultramar, Señor Seijas Lozano, que se puso á *estudiar* las cuestiones ultramarinas despues de tomar la cartera, y llegó el momento de abandonar el Ministerio, sin que hubiera terminado sus estudios.

Cuba necesita, para no morirse de hambre, que la harina y ciertos artículos de primera necesidad se importen libres, absolutamente libres de derechos. Los harineros de Castilla no tienen más razon para ejercer un monopolio mortal para los habitantes de Cuba, que para encarecer la subsistencia en las provincias peninsulares. Hoy esos productores de trigo se agitan para que el Gobierno aumente los derechos al trigo que se importe de los Estados Unidos, pues á pesar de las 5.82 pesetas por 100 kilógramos que pagan á su introduccion, como de mejor calidad que los castellanos, y éstos escasean notablemente, cruzan el Atlántico y van á establecer su competencia con los de Castilla, para venir más tarde á Cuba, ya convertidos en harina. Y la prueba de que no exageramos, está en la estadística publicada en la *Gaceta de Madrid*. (Véanse los números del 20 y 23 de Enero del corriente año.)

La *importacion* de trigo y harina de trigo en los once primeros meses de 1877 y 1878, ha sido en estas cantidades:

	1877. Kilógramos.	1878. Kilógramos.
Trigo.....	9.203,263	50.470,117
Harina de trigo..	4.016,637	3.543,874

La *exportacion* de los mismos artículos en los once primeros meses de los años mencionados, ha sido:

	1877. Kilógarmos.	1878. Kilógramos.
Trigo.....	37.091,578	14.877,106
Harina de trigo..	88.151,379	13.924,562

Y miéntras que nosotros en el último año [1878] habrémos introducido en la Isla unos 36 millones de kilógramos de harina; [*] la hemos consumido á $15.50 en efectivo por barril, cuando pudiéramos obtenerla á $6.50, consiguiendo al mismo tiempo que el mercado americano, en reciprocidad, abriría la puerta á nuestros azúcares! Porque es una gran ilusion creer que si la Metrópoli admitiera libres de derechos nuestros azúcares, éstos pudieran encontrar allí un mercado más natural que el de los Estados Unidos: y la razon es óbvia para los que recuerden la merma que experimentan los azúcares en viaje mas dilatado, y el escaso consumo que tienen en la Península. Bien es cierto que ésta pudiera levantar refinerías de azúcares antillanos, con lo que se abrirían nuevo cauce al trabajo y un mercado al consumo europeo.

En cuanto á brazos para la agricultura, fácil le será á la Metrópoli conseguir que Cuba los reciba sin monopolios depresivos de la dignidad humana; que no se necesita gran ingenio para hacer que la corriente migratoria que hoy fluye de su seno á buscar desastrosa miseria en las repúblicas de la América meridional, se dirija á Cuba.

Mas en este punto, no hay que olvidar que en tanto que el trabajo esté *envilecido* en Cuba, no habrá español, por infeliz que sea, que quiera suscribir al rebajamiento de su carácter de hombre libre, áun á trueque de que se le declare exento del servicio militar.

Y ya que terminar debemos este escrito, declara la REVISTA ECONÓMICA que la situacion excepcional de estas provincias reclama procedimientos especiales de Gobierno; pero no fundados en el *personalismo* que, por ilustrado y liberal que sea, estará siempre expuesto á los gravísimos errores que de él emanan: que el país necesita discutir y votar sus presupuestos desde el momento en que no tienen el carácter de provinciales, pues no es posible,—y años de dolorosa experiencia lo han demostrado,—que el Ministerio de Ultramar, muy entendido en cuestiones de nombramientos, por ser de su especial cometido, ni las mismas Córtes tengan el debido conocimiento de las necesidades y de los recursos de esta Isla, ni se sientan movidos por el espíritu del interés local, tan apto para conocer lo que convenirle pueda: que los momentos, como dijimos al principio, son críticos, porque la miseria que hoy existe en algunos puntos de la Isla, se va extendiendo rápidamente, y haciéndose más aguda, y que el Gobierno, y los partidos, y los habitantes todos de Cuba deben contribuir con sus fuerzas y sus luces á evitar que el *hambre* que ya asoma, vaya á plantear el problema más pavoroso y terrible que haya un país de resolver: la crísis de un pueblo en delirio que *se muere de hambre porque no puede producir*, retrocede á la barbarie, haciéndose pedazos, y realiza la sentencia ominosa del profundo Hobbes: *Homo homini lupus*.

Levantemos nuestros corazones; inspirémos nuestra conducta en el amor á esta tierra en que está nuestra fortuna que mañana hemos de legar á nuestros hijos; depongamos todo el egoismo que petrifica á las sociedades que se hunden, porque el peligro amenaza á los españoles de uno y otro lado del Océano—que en el siglo XIX no hay solidaridad más fuerte que la de los intereses económicos;—y la catástrofe que nos amenaza, si sordos nos mostramos á las inequívocas señales de los tiempos, no se limitaria á hundir á la *Odalisca de Occidente* en la vida de barbarie y de miseria, sino que, salvando las ondas del Atlántico, llevaria la bancarota y la postracion á las playas de la Madre Patria, produciendo en su existencia nacional una crísis más difícil, más laboriosa y prolongada y convulsiva que aquella que, iniciada en la victoria funesta de Villalar, arroja á moriscos y judíos, y con ellos los prodigios salvadores de la industria, y la conduce á la postracion lamentable en que la dejó *el rey hechizado*.

Salve España á Cuba, y habrá afianzado, en cuanto de ésta dependa, el bienestar social de los españoles de uno y otro mundo!

Y en la grandiosa y árdua empresa de salvar á un país de la barbarie, tocará la parte más responsable y, por lo mismo, la más honrosa, al actual Sr. Director de Hacienda, y al que el telégrafo submarino nos anuncia como Presidente del Consejo de Ministros, si ámbos, como lo esperamos, toman á empeño alcanzar el puro é imperecedero renombre de grandes estadistas.

¿Qué ocasion más brillante ofrecerles pudiera la fortuna?

(*) Tomamos para base del promedio la importacion en el primer semestre de 1878 que fué de 18.156,308 kilógramos, de los cuales 17.164,144 fueron de procedencia nacional. Resulta una disminucion notable en la importacion, comparada con la de 1877 que llegó á 68.567,128 kilógramos, de los que 63.854,932 fueron de procedencia metropolitana. Atribúyese la baja de 1878 al menor consumo del ejército que se ha reducido por la terminacion de la guerra.

NUESTRAS CAUSAS CRIMINALES.

En la réplica del representante del Sr. Herrera dada en la segunda demanda que éste nos estableció, habrán visto nuestros lectores el siguiente punto:

"Que si el actor tuviera las costumbres del Director de la REVISTA ECONÓMICA algo podría decirle del valor de su palabra con vista de una declaracion de dicho señor, hecha ante el Juzgado de la Catedral, la cual declaracion no resultó muy exacta."

Efectivamente: cuando se nos preguntó *si habíamos sido procesados*, contestamos en seguida *que no*, partiendo del supuesto de que solo se procesa á los *criminales;* pero llamados nuevamente al Juzgado y explicada la pregunta, rectificamos al punto, declarando:

1º Que en 1873, estando al frente de *El Sagua*, y sosteniendo el derecho de la villa de Sagua la Grande á que se franquease el interceptado camino real de la Jumagua, la casa comercial de los Sres. Mora, Oña y Cª nos entabló una querella de supuestas injuria y calumnia, de la cual se apartó, convencida de que no la habíamos ofendido, franqueando además el camino en sus 24 varas de ancho.

2º Que en 1875 se inició (y falló en nuestro favor) en Madrid otra querella á instancia del Sr. Don Miguel Domingo Valero, Administrador que fué de Loterías de esta Isla, por suponer este señor que le injuriábamos y calumniábamos, como corresponsales entónces de *La Integridad de la Patria*, al comentar una hoja impresa que circuló en la Habana, contra la honra y fama del último Intendente Sr. Don Mariano Cancio Villaamil, hoy Director General de Hacienda, y al hacernos eco de lo que públicamente y en los periódicos se decia de la gestion oficial del Sr. Valero, y de que los tribunales le habian sentenciado absolviéndolo de la instancia, y

3º Que la Compañía Española del Alumbrado de Gas sigue contra nosotros un procedimiento parecido por las causas que los lectores conocen.

Estas tres, la en que declarábamos, á consecuencia del mal servicio de los *Vapores-correos de las Antillas*, y las dos que surgirán de las dos últimas demandas, compondrán *seis causas criminales* que se nos han seguido por defender el derecho de propiedad, la honra y los intereses públicos lastimados.

No nos duelen prendas: estamos orgullosos de nuestro proceder, y esas *causas criminales* seguidas precisamente por nuestro amor á la justicia; por nuestro profundo respeto á la ley, y por nuestro espíritu de caridad para con los que sufren la horrible presion de los monopolios; son el más elocuente testimonio de haber cumplido el deber de periodistas.

Como reos somos de mejor condicion que los actores: la ley y los jueces velan por nosotros: estamos, pues, tranquilos.

Ahora, el que crea que no hemos hecho bien, que nos arroje la primera piedra.

LOS CORREOS DE LAS ANTILLAS.

El Sr. Herrera y la opinion pública.

Como ha manifestado acertadamente uno de nuestros colegas, las proporciones que ha tomado el asunto de los Correos de las Antillas con referencia al Excmo. Sr. D. Ramon de Herrera y nosotros, son de tal naturaleza que han venido á enjendrar una verdadera cuestion de interés público que ha absorvido y sigue absorviendo la atencion de todos los habitantes.

En demostracion de esto y para que nuestros lectores formen conciencia de cuantos incidentes constituyan la historia y accidentes de la cuestion, vamos á poner recopiladas las apreciaciones de la prensa cubana, sin omitir á la célebre *Voz de Cuba* que se ha hecho cargo de nuestro último artículo con tanta tardanza, que no nos ha dado tiempo hábil para contestarle en los momentos de entrar en prensa la REVISTA ECONÓMICA.

He aquí, pues, recopilada la opinion pública representada por la prensa periódica:

El Eco de Galicia, semanario de la Habana, ha dicho lo siguiente:

"La REVISTA debe tener entendido, que todos conocemos al Sr. Conde de la Mortera, que es una persona bastante visible en la Isla de Cuba, y que en la conciencia de todos está juzgado dicho señor. La REVISTA queriendo echar borrones y manchas sobre la honra del expresado, hace un papel que ni nosotros, ni ningun órgano de la prensa, le envidiará seguramente.

"Y conste lo que ántes de ahora hemos dicho. Nosotros no defendemos al Sr. Herrera ni atacamos á la REVISTA. So-

mos completamente neutrales y ponemos las cosas en su verdadero lugar. La REVISTA no nos creerá probablemente, y con su estilo mordaz y sangriento tratará quizás de lastimarnos. No lo extrañaremos; pero La REVISTA, puede estar penetrada de que no estableceremos con ella polémicas que desdigan del respeto y veneracion que el periodismo nos merece.

"El Sr. Herrera nos ha probado suficientemente, á nuestro corto entender, lo erróneo de las denuncias de la REVISTA, y la REVISTA llamando perjuro al Sr. Herrera, no conseguirá que dudemos ni un instante de su para nosotros honrada palabra. Será esto sin duda porque nosotros ni tenemos los años de la REVISTA, ni su experiencia, ni sabemos, ni aún queremos saber su *gramática parda*. Mas sea de ello lo que quiera, ante la evidencia de los hechos, estamos dispuestos á ceder hoy y siempre."

El mismo periódico dijo en otro lugar lo que sigue:

"Despues de esto nada nos resta que añadir. La REVISTA ECONÓMICA continuará haciendo luz en tan importante asunto, hasta probar lo que ella asegura y que como observarán nuestros lectores, está en pugna con lo que nosotros averiguamos."

La Luz, de Sagua, reprodujo nuestro escrito *A Defendersr*, precediéndolo de estas palabras:

"Valiente. como de costumbre, viene aquella interesante publicacion correspondiente al dia 21 de Febrero, cuya lectura recomendamos á nuestros abonados, sobre todo el artículo titulado "El mas duros de los monopolios," contra el Excmo. Sr. Ramon de Herrera. Satisfaciendo los deseos de nuestro ilustrado y querido cofrade, reproducimos con gusto el siguiente suelto etc."

El Criterio Popular, de Remedios, dijo en 27 de Febrero y en 1º de Marzo:

"REVISTA ECONÓMICA.—Interesante como las anteriores es la correspondiente al dia 21 del corriente. Periódicos como este son los verdaderamente útiles. Recomendamos á nuestros suscritores dicha publicacion."

"Nos agrada el valor con que la REVISTA ECONÓMICA sabe atacar á toda clase de abusos, aún los ejercidos por aquellas corporaciones y personas que, por su elevada posicion, se creian inviolables y lo parecian á los ojos del público acostumbrado, hasta no lejana época, á sufrir y tolerar pacientemente lo mismo que le perjudicaba. Así, pues, reproducimos con gusto el siguiente artículo del ilustrado colega de la Habana etc."

El Trueno, de Matanzas, ha dicho:

"Nos ha visitado el número 70 de la interesantísima REVISTA ECONÓMICA. Contiene el tercer artículo en que se ocupa de los *Vapores correos de las Antillas* y ofrece para el próximo número tratar con detenimiento el particular. Espinosa mision es la que se impone el periodista al tratar de estirpar males arraigados de viejo, pero á tanta mas altura se colocará, cuanto mas poderoso aparezca ser el contrario."

La Reforma, de Colon, ha publicado lo que sigue:

"La REVISTA ECONÓMICA que dirije en la capital el apreciable y honrado escritor asturiano D. Francisco Cepeda, hace dias viene publicando una série de artículos titulados *El mas duro de los monopolios*, encaminados á demostrar el que dice ejerce la *Empresa de correos de las Autillas*, del Excmo. Sr. Conde de la Mortera, D. Ramon de Herrera.

Haciendo referencia la REVISTA á una manifestacion del *Eco de Galicia*, se expresa en los siguientes términos:

Aquí reproduce uno de nuestros párrafos denunciado ante los tribunales por el Sr. Herrera y sigue en esta forma:

"Grave nos parece la acusacion lanzada al rostro de persona tan respetable como lo es sin duda el Excelentísimo Sr. Don Ramon de Herrera, y esperamos que nuestro colega la REVISTA la justifique; puesto que mientras tanto, salvando el respeto y consideracion que nos merece, tenemos hasta cierto punto el deber de esperarlo, por la representacion que tiene en nuestra sociedad la persona del Excmo. Sr. Herrera, como comerciante, como hombre público, y como una de las más distinguidas por el gobierno; pues si mal no recordamos, hace poco que el Excmo. Sr. Conde, fué agraciado con la Gran Cruz del Mérito Naval, por sus relevantes méritos y servicios.

"Esperemos el resultado de esta acusacion, que hoy por hoy no podemos ménos que calificar de *grave*."

El Eco de las Villas, de Santa Clara, ha publicado en tres distintos números los párrafos siguientes:

"REVISTA ECONÓMICA.—Hemos recibido por primera vez la REVISTA ECONÓMICA. Contiene buenos artículos. Recomendamos esta excelente públicacion que vé la luz semanalmente en la Capital. Siga visitándonos.

"REVISTA ECONÓMICA.—Tenemos el gusto de acusar recibo del número 71 de esta ilustrada publicacion que con tanto acierto dirije en la Capital el Sr. Cepeda. Cada vez que á nuestra mesa de redaccion llega este periódico, lo leemos con sumo interés, pues siempre contiene materias importantísimas que son de nuestro agrado. Prosiga el valiente colega diciendo las "verdades del barquero," que es preciso á todo trance hacer luz, mucha luz sobre ciertos particulares que pasan sin que nadie se atreva á censurar. Reciba nuestro humilde pláceme la REVISTA.

"*El Criterio Popular* reproduce un brillante artículo de la REVISTA ECONÓMICA, titulado *El mas duro de los monopolios*, que hemos leido con gusto, como todos los que publica aquel ilustrado periódico de la capital."

El Telégrafo, de Trinidad, publica estas palabras:

"LA REVISTA Y EL SR. HERRERA.—Con motivo de un artículo publicado por nuestro valiente colega contra el mal trato en los vapores correos, fué demandado por el Sr. D. Ramon de Herrera, conde de la Mortera.

"Dice así nuestro estimado colega en un párrafo de su artículo:

"¡Crée el Sr. Herrera que para los periodistas de buena fé, que para los hombres de criterio independiente y de rectitud de carácter bastan el espantajo de un nombre ni el peso de un arca bien repleta, ni los reflejos de una cruz de brillantes, ni el fausto de los modernos Cresos? No lo crea el Excmo. Sr. Conde de la Mortera."

"Efectivamente muchos creen que esas circunstancias constituyen *inviolabilidad*, y que las cruces y el dinero son un privilegio de que han de gozar siempre, para abusar impunes del pobre pueblo.

"¡Fuera monopolios y privilegios!"

El *Diario de Matanzas* dijo hace poco tiempo al reproducir nuestros párrafos:

"No tendrémos hoy palabras con que alabar el valor cívico conque defiende esta revista nuestros más sanos derechos. La REVISTA ECONÓMICA está en su puesto: es el adalid valiente que combate en nuestras avanzadas. ¿Quereis convenceros de ello? Pues leed estos párrafos cojidos al vuelo entre los muchos artículos que trae el último número con que nos ha favorecido."

Y tras esto reproduce buena parte de nuestro anterior artículo.

El mismo, el dia 13:

RECIBIDOS.—Los semanarios "El Ingenio" "Revista Económica" (siempre buena) "El Piloto," "Eco de Galicia" y "El Atrevido," nos han visitado últimamente, y á fuerza de galantes, como es nuestro deber, les damos la bienvenida.

La Voz de Cuba, la insigne *Voz de Cuba* que se imprime en la Habana, dijo lo siguiente el dia 2:

"Sabemos que el Sr. D. Ramon Herrera se ha decidido á perseguir ante los tribunales á cierto papel que en estos últimos dias parece que lo ha tomado por tema de sus apasionados desahogos. ¿Será para esto que algunos son tan partidarios de la libertad absoluta de imprenta? Esperamos con ansia el resultado de esta cuestion, que interesa muchísimo á la moral pública."

La Paz, de Pinar del Rio, con motivo de las anteriores líneas publicó lo que copiamos á continuacion:

"En la Habana hay una cuestion pendiente, ante los tribunales, entre un periódico de aquella localidad y una empresa de vapores, por haber denunciado el primero, en las columnas de su publicacion, hechos abusivos que, en su concepto ha cometido y comete la segunda con notable perjuicio del público.

"Todo esto es muy natural. Lo que no es natural, ni siquiera lógico y ni aún siquiera digno y conveniente, es que otro periódico, al dar sencillamente la noticia de este hecho que está *sub judice*, prejuzgue la cuestion, y sin más razon pue *porque sí*, califique duramente al periódico referido y diga que ha tomado á la empresa por *tema de sus apasionados desahogos*.

"Esto quizás podría pasar, si el periódico que lo dice, que es *La Voz de Cuba*, fundara en razones de hechos ó de derecho su opinion. Pero nada hay de eso; se limita á lo dicho, añadiendo, como corolario de su caprichoso aserto, que si *será para esto para lo que algunos quieren la libertad de imprenta*..

"Y decimos nosotros, que para eso precisamente y para otras cosas por el mismo estilo, es para lo que se necesita la libertad de imprenta; para velar por los intereses del público y para combatir ò denunciar hechos abusivos y punibles, que resulten en perjuicio notable del público que paga, sufre y calla.

"Para lo que no debe servir ni se quiere la libertad de imprenta, es para ponerse incondicionalmente al servicio del más rico ò del más poderoso en contra de los intereses públicos, y para sin justificaciones ni razones injuriar ú ofender á los periodistas que saben cumplir con su deber. Para lo que no se quiere, ni se pide, si se necesita la libertad de imprenta es para injuriar y calumniar á toda una clase ò á todo un partido, diciendo, por ejemplo, como ha dicho *La Voz*, que por solo el hecho de ser liberal está uno dispuesto á darle estrignina á un moribundo para acabar con él."

"Para esto si que no se quiere la libertad de imprenta; ni en esto la emplean los liberales. Los que *usan* de la libertad de imprenta en ese sentido son siempre los mismos que la combaten, ó para desacreditarla ó para desahogar su impotente rabia."

El mismo colega nos ha dedicado en otras ocasiones estas frases:

"Ha llegado á nuestro poder el número de la *Revista Económica*, correspondiente al domingo último, tan interesante como lo son todos."

"Con la exactitud de costumbre recibimos el número 72 de la *Revista Económica*, que viene tan valiente como siempre, sin asustarse con *fantasmas*, y sacando á la vergüenza los trapos de los que no andan limpios."

La Discusion, de esta ciudad, en las varias veces que se ha ocupado de nuestro periódico ha dicho lo que sigue:

"REVISTA ECONÓMICA.—El número 71 de este ilustrado colega, ha llegado á nuestras manos con algun retraso.

"Publica su artículo IV sobre "El mas duro de los monopolios."

"Con sumo cuidado vá descorriendo el velo que cubre el que titula así, y la cópia de datos que inserta, demuestra que sabe donde le aprieta el zapato.

"Segun se desprende del segundo artículo titulado "Travesuras de Telémaco," la Empresa del Gas ha demandado á la *Revista Económica*, nuevamente.

"No debe alcanzarle al Director de la *Revista*, el importe de la suscricion para papel sellado.

"¿Lo demandará otra vez la Empresa del Gas por el arreglo del balance que le hace, con vista del que la Empresa ha dado á luz."

"¿Lo demandará *el Rastro de la Habana* por el artículo que le dedica?

"Cada dia se hace mas recomendable este periódico, que indudablemente presta gran beneficio al país como centinela avanzado contra los monopolios.

REVISTA ECONÓMICA.—Acusamos recibo del número 72 de este interesante periódico.

"El segundo artículo sobre el *Socialismo*, es sumamente interesante y recomendamos su lectura.

"Publica el 5º sobre *El mas duro de los monopolios*, artículo escrito con valor y que encierra acusaciones graves, que con anunciarlas solamente, bastarán para cortar muchos abusos que hoy pudieran cometerse.

"Colocada en el terreno en que se encuentra la *Revista Económica*, merece el apoyo general, puesto que la cruzada que ha emprendido, redunda en beneficio del pueblo, por cuyos intereses debe velar siempre la prensa periódica.

"Su actitud hoy, agresiva para todo el que se coloque fuera de la ley, es bastante para que la inmoralidad oculte su rostro y los privilegios desaparezcan.

"Los vapores correos de las Antillas, la Empresa del Gas y el Banco de Santa Catalina, deben tener hoy á la *Revista Económica* ante sí como el convidado de piedra.

"¿Cuántas demandas le establecerán?"

El mismo periódico del dia 7:

"REVISTA ECONÓMICA.—El número 73 de esta publicacion ha llegado á nuestro poder.

"Continúa firme en el puesto en que se ha colocado, combatiendo todo lo combatible.

"Adelante!"

El mismo diario del dia 13:

La Voz de Cuba en su editorial estudia la cuestion pendiente entre la *Revista Económica* y el Sr. D. Ramon Herrera propietario de los vapores correos de las Antillas.

"*La Voz* defiende al Sr. Herrera.

El Progreso, de Cárdenas, dice lo siguiente:

"CUANDO LA BARBA DE TU VECINO VEAS PELAR....

"El caciquismo está atacado de *jindamitis* y baile de San Vito desde que la *Revista Económica*, sin andarse por las ramas, tira estocadas á fondo, como las que viene dando á la Empresa de vapores de las Antillas y á la tenebrosa del Gas. El valiente colega aprieta que da gusto y á todo meter, sin importársele un bledo el enojo de la gente de *sangre amarilla* que aquí suple el *caret* de la de la azul. El interés que despierta la campaña emprendida por la *Revista* crece por dias y el público espera con impaciencia el resultado de esa lucha que puede evidenciar que los ídolos son de barro y que el cambio del tiempo es una verdad. Grandes peligros corre el colega; pero sepa para su satisfaccion que innumerables simpatías le acompañan, porque el juicio público lo cree tan poseido de razon y derecho, como lleno lo admira de impavidez y valor. No hay que decir que la prensa independiente y liberal está á su lado, y que si hoy es simple espectadora, pues otro papel no le incumbe, mañana, en cuanto preciso fuera, le daría amplísimas pruebas de su aprecio y fraternidad."

El Triunfo, de esta ciudad ha publicado el artículo que sigue:

"ESCANDALO.

"Deberes graves pesan sobre el periodismo: momentos hay en que se hace muy penosa la mision de los que velan por la causa pública; pero necesario es sobreponerse á todos los respetos humanos, y con acento firme y acallando todos los sentimientos ante el sagrado de una obligacion, pedir á la autoridad que se acate la magestad de la Ley, que se guarden los fueros de la Justicia, y que se satisfaga el ánsia del pueblo de moralidad y decoro.

"Dias hace que la Isla entera contempla la lucha entablada entre el Director de la *Revista Económica* y el Excmo. Señor Conde de la Mortera; los periódicos y los Juzgados de Paz son testimonio de las acres recriminaciones y acusaciones de ámbos contendientes: y la prensa independiente no puede ya dejar pasar en silencio por más tiempo esas manifestaciones, sin tomar en el asunto el puesto que su carácter le asigna.

"Acusa el Director de la *Revista* al Excmo. Sr. D. Ramon de Herrera de los crímenes de perjurio, y de defraudacion de los intereses del Estado, que son los intereses del público: acusa el Excmo. Sr. Conde la Mortera al Director de la *Revista* de los delitos de injuria y de calumnia, y los dos ofrecen solemnemente las pruebas de sus respectivos asertos. El pueblo escandalizado sigue con empeño las peripecias de esta lucha. ¿Debemos conformarnos con ello? De ninguna manera. El ministerio Fiscal tiene altos deberes que llenar, y las leyes se lo prescriben terminantemente en casos como el que nos ocupa. El ministerio fiscal debe proceder de oficio á la averiguacion de los crímenes que tan á las claras se denuncian, y depurado el caso, aplicar la Ley y publicar el resultado, para satisfaccion de la opinion pública, justamente alarmada. Imparciales representantes de la comunidad, no abrigamos encono contra determinada persona; que sea castigado el perjuro contrabandista, sean cuales fueren sus títulos, ó el infame calumniador que predispone al pueblo con su feo delito contra personas honradas y dignas de respeto; pero no se permita que la lucha de recriminaciones sea estéril para la moralizacion de una sociedad tan necesitada de ello."

El mismo periódico del dia 11, dice:

"La REVISTA ECONOMICA.—El número 37 de este valentísimo periódico sigue tronando contra D. Ramon Herrera y contra todo lo que le parece digno de censura."

La Aurora, de Cienfuegos, del 10, dice á su vez ocupándose de la REVISTA:

"Hemos recibido el número 73 de la REVISTA ECONÓMICA importante publicacion que ve la luz en la capital y que cada dia se hace mas digna del aprecio público por el celo con que vela por los intereses de esta Isla."

A última hora recibimos EL PROGRESO de Guanabacoa de ayer 13 que dice:

A LA REVISTA ECONOMICA.—EL PROGRESO siente mucho honor al ofrecerle su adhesion en la causa que defiende el Director de la REVISTA ECONOMICA, apesar de todos los barcos, ingenios y poderosos de la tierra.

La Voz de Cuba, finalmente, en un difuso y soporífero escrito pretende contestar el artículo que insertamos sobre el asunto en nuestro número anterior y dice lo siguiente, que es lo principal de todo su sofisma:

"Vamos por partes, y empecemos por aquello del compañerismo. ¿Se figura acaso la REVISTA que nosotros habiamos de constituirnos en eco innoble de sus intemperancias y de sus apasionados desahogos? Justo es apelar al compañerismo cuando se violan los fueros de la prensa; pero ¿acaso violaba estos fueros el Sr. de Herrera al pedir á un tribunal que amparase su honra, gratuitamente menoscabada con el pretesto baladí de remediar abusos, que ahora viene á resultar que no existen? ¡No faltaba más sino que aquellos periódicos que en todo procuran cumplir con los dictados de la moral y de la decencia, fueran solidarios de los que parecen haberse propuesto observar una conducta diametralmente opuesta!

"La *Revista* habla en tono desdeñoso de la historia de *La Voz de Cuba*; y, luego, fiel al sistema, segun el cual parece haberse propuesto adquirir celebridad provocando cuestiones personales, procura ofendernos llamándonos *hispano-mejicano*, y quien sabe que otras cosas mas nos llamaría, si la censura no le hubiese ido á la mano, pues los puntos suspensivos que siguen inmediatamente á aquellas palabras, no pueden significar sino uno de sus acostumbrados arrebatos de mal género que no le habrá permitido publicar. Por vía de consejo diremos al autor del artículo, sea quien fuere, que no es cuerdo, por mil razones, engolfarse en un terreno mal seguro; que si de historias se tratase, y si no nos impidiese el sentimiento de nuestra dignidad y los principios morales que profesamos, podriamos referir algunas que le serían muy poco gratas y podrian darle mucho que pensar. No olvide que es una gran verdad aquello de

"Nil inultum remanebit,

y procure no traspasar ciertos límites ni desoir los consejos de la prudencia, porque no hay paciencia que al fin no se agote, y tantas veces va el cántaro á la fuente que al fin se rompe.

"Y por lo que hace á lo de "*los periodistas de* NUETRA CLASE," ¿qué quiere la REVISTA que hagamos, más que encogernos de hombros y dar paso á la sonrisa? Para medir con exactitud los grados de ridículo, que esta frase encierra, sería bueno que no fuera anónima, sino que ostentara á su pié el nombre del autor. No nos gusta caer en juicios temerarios, y nos expondríamos á ello si fijásemos *ad libitum* ese nombre.

"Dice la REVISTA que si despues de haber atacado los intereses y la persona del señor D. Ramon Herrera de la manera que hemos visto en la carta firmada "X," ha "*lanzado sobre su frente las manchas de perjurio y defraudacion*," ha sido porque este Señor, deseando vindicar su honra, le entabló demanda de injuria y calumnia. Es decir, que si el señor de Herrera hubiese guardado un humilde silencio ante tan atroces acusaciones, la REVISTA habria llevado su magnánima condescendencia hasta el extremo de no lanzar sobre su frente las manchas de perjurio y defraudacion; pero como el Sr. Herrera quiso defenderse, y con tal fin estableció aquella demanda, único medio que le permitia la ley, por eso la REVISTA, ofendida en su dignidad y altamente indignada, ha lanzado sobre su frente aquellas manchas.

"Supongamos por un momento que esta última acusacion (la de perjurio y defraudacion) resultase cierta: ¿adelantaría algo con esto la cuestion de los vapores-correos? Nada absolutamente. Pues entónces, ¿á qué provocarla? ¿No es evidente que lo que con ella se anda buscando, no es la enmienda de los pretendidos abusos cometidos en aquellos vapores, sino otra cosa muy diferente?

"Pero es el caso que, segun todos los testimonios publicados (y ninguno se presenta que los contradiga), aquellos abusos no existen. ¿Con qué objeto, pues, se ha hecho con ellos tanto ruido? Y en cuanto á la acusacion de perjurio y defraudacion que contra el Sr. Herrera se lanza, ninguna prueba, absolutamente ninguna, se presenta en su apoyo. Al contrario: sabemos positivamente que en el Consejo de Administracion están pendientes unas diligencias, promovidas por el mismo señor para que se le devuelva un esceso en el pago de contribuciones. Pues bien: ¿crée acaso la REVISTA ECONOMICA que se puede arrastrar por el lodo la honra de cualquier comerciante respetable, y promover un gran escándalo, sin tomarse el trabajo de presentar hecho ni documento alguno en justificacion de semejante proceder? ¿Crée acaso que en asunto de tanta importancia el público ha de creerle bajo su sola palabra, máxime cuando á la legua se le vé tan dominado por la más rencorosa pasion?

"Si la REVISTA cree que de este modo es como se cumple "*la mision del periodista entre los pueblos cultos*," se equivoca de medio á medio; y más se equivoca todavía si cree que en asunto tan poco noble han de hacer causa comun con él los periódicos que gozan del mejor concepto hasta entre sus adversarios políticos, y que pueden gloriarse de una historia honrosísima, mal que les pese á sus gratuitos enemigos."

Tal es la opinion pública manifestada hasta ahora en los periódicos cuyas frases hemos copiado.

Tal es la opinion particular del Sr. R. (se nos asegura que es el Sr. Rafael de Rafael), manifestada en los anteriores párrafos de *La Voz de Cuba*.

A *todos* y á *todo* contestaremos en nuestros números próximos.

NO HAY TALES BORREGOS.

Cambio defrente operado en los procedimientos de la Compañía del Gas.

Ofrecimos en el número anterior publicar un escrito que nos fué remitido por el Sr. Administrador de esta Empresa, y vamos á cumplir lo prometido, llamando ántes la atencion de nuestros lectores hácia el maravilloso contraste que ofrece la gravedad con que están escritas las explicaciones que hoy da este señor, ante las destemplanzas que usára en todas ocasiones con el público en particular, y con la prensa periódica en general.

Si cuando ésta y aquel produjeron quejas más ó ménos sentidas y fuertes, pero siempre justificadas, hubiese contestado "con la calma y cordura que se requiere cuando se trata de números," y de cumplir bien y fielmente con los deberes á que está obligado todo el que sirve al público, á buen seguro que otro fuera el crédito de la Compañía y otra la consideracion que él mismo gozase, sin tener que soportar ahora la pesadumbre y la responsabilidad de haber imbuido á la Directiva la quijotesca empresa de establecer dos demandas, por supuestas injurias y calumnias, á la REVISTA ECONÓMICA, porque demostró la torcida marcha que seguia y sigue esa Administracion.

Así como pudo acerar nuestra pluma el desenfado con que, durante dos años, oyera ese señor las quejas de la prensa, sin aplicar remedio á las quejas que se denunciaban, de buena gana aplicaríamos á muchos conceptos de las explicaciones que hoy da las frases de Diego Lainez á su hijo Rodrigo Diaz de Vivar, diciéndole:

"Tu enojo me desenoja
y tu indignacion me agrada;"

pero vemos que persiste en su error, y no quiere confesarlo, empeñado en hacernos creer que está bien hecho lo que hizo, y no podemos ser indulgentes hasta ese extremo; primero, porque la REVISTA no es el padre de la Compañía del Gas, y después, porque el deber nos impone la necesidad de no transigir con los errores y vicios que puedan afectar al público.

Hechas estas observaciones, veamos la carta:

Habana y Marzo 2 de 1879.

Señor Director de la REVISTA ECONÓMICA.

Muy señor mio: Supuesto que en el número 72 de su periódico, publicado el 28 del pasado Febrero, sostiene V. que el que estas líneas le dirije es el directamente responsable del documento que explica la situacion de la Compañía Española del Alumbrado de Gas, voy á contestarlo con la calma y cordura que se requiere cuando se trata de números.

En la REVISTA ECONÓMICA número 71, del 21 de Febrero, analizando V. las partidas del referido Balance, dice:

"El Activo, que analizarémos en primer lugar, debe comprender los valores negociables, créditos y bienes con que se debe responder al Pasivo, que reasume todas las deudas de la Sociedad. ¿Cómo se explica, pues, que en las columnas de ese Balance figure la cantidad de $8,931.40 por Gastos Judiciales, puesto que dicha cantidad desembolsada indudablemente para pago de esas atenciones, ha debido al contrario desaparecer desde ese momento del Activo de la Sociedad y no puede de ninguna manera ser admitida como valor responsable á las obligaciones pendientes?

Desearíamos una aclaracion sobre esta operacion, que cualquiera podría calificar de falsa."

Ahora bien; si se hubiese recapacitado con imparcialidad sobre el cargo arriba expresado, se habría llegado á la conclusion que voy á exponer á V.

Si bien es verdad que los $8,931.40 de Gastos Judiciales, no están para responder á las obligaciones pendientes; sin embargo figuran debidamente en el Activo de la Compañía, por las razones que voy á exponer.

La Compañía ha anticipado para Gastos Judiciales la cantidad susodicha, en un litigio que sostiene contra Pedro, y miéntras no recaiga el fallo en el último grado, hasta ese dia el verdadero deudor es la cuenta de Gastos Judiciales. Si el fallo fuera á favor de la Compañía en todos sentidos, entónces las cantidades adelantadas volverian á poder de la Empresa y acreditadas á la misma cuenta que hoy aparece dudosa, quedando ésta saldada; pero si el fallo fuese contrario habría que pasar dichas cantidades por la cuenta de Ganancias y Pérdidas, y por consiguiente desaparecerian del lugar que hoy ocupan en el Activo.

Intereses por cobrar, $15,969.93. A lo que dice V.:

"A pesar de lo extraño de esta última cuenta; pues no atinamos á comprender, cómo una Compañía que no tiene por mision hacer operaciones de Banca y que además demuestra no tener medios de hacerlas, haya podido conseguir ese crédito á su favor."

Sin ser la Compañía un Banco ni hacer operaciones de Banca, debió tenerse presente que hay un crédito á su favor de $410,289.22½; que en esta suma se halla incluso lo que adeuda el Ayuntamiento; que existe un contrato de alumbrado público en el que es muy factible haya alguna cláusula de intereses de demora, y como existe tal condicion en el contrato, por eso los $15,969.93 B/B. que figuran en el Pasivo; y figuran en éste por las razones siguientes:

La liquidacion se le ha remitido al Excmo. Ayuntamiento para su exámen y aprobacion, y dicha cantidad se halla cargada al verdadero deudor que es el Contrato del Alumbrado Público y abonada al verdadero acreedor, Cuenta de Intereses por cobrar; el dia que se realiza el cobro, se abonará á la primera, y la segunda se saldará por Ganancias y Pérdidas.

Dice V.:

"Podría suceder que algunos de los fanáticos en sostener esa operacion, quisieran levantar la voz trayendo en su defensa la enorme suma que le debe el Excmo. Ayuntamiento, de $410,289.22½, pero deben callarse, teniendo presente que en todo caso, esa cantidad vendría á servir para hacer frente:

á las Garantías por consumo de Gas por.....	$154,712.27
á las Ganancias y Pérdidas de 1873 pendientes..	171,686.04
y al importe de las propiedades, terrenos y muelle pendientes de pago, por valor de $49,659.95 oro, que calculados al premio de 100 p 8 para convertirlos en la moneda que debe el Gobierno, hacen.....	99,319.99
ó sea un total en billetes de.....	$425,718.21

Si tuviera V. un conocimiento del movimiento diario de esa cuenta, no se habría V. expresado como lo ha hecho en el párrafo citado anteriormente.

Sobre las Ganancias y Pérdidas de 1873, remito á V. una Memoria de 1875, y á la que se hace referencia en el Balance de la misma; en ella encontrará V. los datos, y enterado de ellos, queda V. en libertad de publicar lo que tenga por conveniente.

La crítica de V. sobre el capital y bonos en suspenso figura así en el Balance por un acuerdo de la Junta general de Accionistas.

Tócame ahora tratar sobre el supuesto desfalco de los $271,827.70 billetes que ha presentado V. en el deslinde que hace del Balance, dice V.:

"Que dicho déficit no puede buscarse en el valor de las propiedades, materiales y existencias de carbon, porque reducidas esas cuentas á su verdadero valor y no al que representan sobre el papel, mucho será si bastan á responder al valor del capital y diferencia en las cuentas por cobrar."

En primer lugar ha cometido V. el grave error de traspasar del Activo al Pasivo los $8,931.40 de la cuenta de Gastos Judiciales, resultando así una diferencia de $17,862.80 en contra del Activo, con esta inesplicable operacion.

En segundo, tiene V. en el Pasivo por compra de propiedades, etc., etc., la cantidad de $49,659.95 en oro, pero como no puede existir acreedor sin deudor y viceversa, y ha reducido V. dicha suma á billetes al 100 p 8, ya tenemos aquí otra cantidad de $99,319.90 á favor del Activo.

El valor de esa propiedad comprada está inclusa en el Activo en los $3,205,308.20, que es el verdadero deudor.

En tercer lugar, tiene V. en el Pasivo la Agencia de Liverpool por $31,137.32 oro y la cuenta de Letras por $26,462.40 oro, ámbas sumas forman un total de $57,599.72 oro, pero como no se ha buscado su verdadero deudor y al contrario se ha eliminado por V. del Balance, es claro que viene V. presentando un desfalco. El verdadero deudor de esas cantidades es las existencias de carbones y efectos que figuran ámbas en el Activo por $46,185.77 oro, que reducidos á billetes al 100 p 8 hacen $92,371.54, y si á esta suma le agregamos los $19,238 en billetes que se hallan allí consignados, obtendrémos un total de $111,605.39 billetes.

Vamos ahora á reasumir todas las partidas arriba indicadas, para presentar su totalidad y obtener el verdadero resultado en números.

IMPORTE DEL ACTIVO.

1º Por Gastos Judiciales billetes.....	$ 8,931.40
2º Por valor de propiedades compradas que figuran en la, total representacion de éstas $49,659.95 oro al 100 p 8....	99,319.90
3º Por las existencias de carbon y efectos $46,185.77 oro al 100 p. 8.....	92,371.54
4º Por la idem en billetes de las mismas	19,233.85
Total en billetes que fueron eliminados por V. del Activo.....	$219,856.69
5º Tenemos que agregar los $5,125.11 oro de deudores varios al 100 p 8....	10,250.22
6º Agregar toda la cantidad en billetes que V. mismo suma en el Activo.....	501,720.86
Resultando un total al Activo de.....	731,827.77

IMPORTE TOTAL DEL PASIVO.		
En billetes.....	$725,861.70	
A rebajar la cantidad de Gastos Judiciales, que ha pasado á su lugar, al Activo.....	8,931.40	716,930.30
Saldo á favor del Activo en billetes.....		$ 14,890.47

Ahora, señor Director de la REVISTA ECONÓMICA, vea V. qué diferencia de $14,890.47 B/B á favor del Activo á $217,827.70 B/B de desfalco, ó robo, ó pérdida que ha presentado V. por desfigurar los hechos que representan los números estampados en el Balance publicado por la Compañía.

El que suscribe apela á todos sus compañeros Directores de Bancos y Empresas de todas clases, suplicándoles se sirvan hacer examinar por sus respectivos Contadores los datos presentados al público, y que si necesitan de otras explicaciones ó examinar los asientos de los libros, para con más certeza poder emitir sus opiniones, estos se hallan á su disposicion en la Contaduría; así mismo ruego á los señores accionistas que, haciendo uso del derecho que siempre les asiste, de enterarse de los asuntos de esta Compañía, se sirvan hoy con más motivo y por su propio interés y satisfaccion, ocurrir á las oficinas de la Empresa, donde, por el Contador y el que suscribe, se les darán las más ámplias explicaciones, acompañadas de cuantos documentos las justifiquen.

En cuanto á todos los cálculos que forma V. respecto al valor hoy en plaza de las acciones de esta Compañia, nada tengo que decir: el público todo lo habrá juzgado y formado su opinion sobre el asunto.

No puedo pasar en silencio, porque tal vez se atribuiría este á temor, el párrafo en que pregunta V. si el que suscribe "ha sido alguna vez procesado, cuándo y por qué?" y voy á satisfacer esa pregunta no por V. sino por mí mismo.

Don José Morales de los Rios no ha sido nunca procesado, ni ha dado jamás motivo alguno para verse envuelto en tales procedimientos.

Y para concluir diré á V. que no siendo periodista ni permitiéndome mis ocupaciones dedicarme á polémicas públicas, será la presente la última contestacion que dé á sus publicaciones.

Queda de V. atento y s. s. q. s. m. b.,

J. M. DE LOS RIOS.

Nunca fuera D. Quijote de damas tan bien servido, como publicada esta carta en los diarios de la capital en la creencia, sin duda, de que sería más satisfactorio el resultado favorable que se esperaba; pero no ha sucedido ni podia suceder así. Faltábamos nosotros y con nosotros faltaba el vendabal que se va á llevar la flor de las ilusiones en que abunda ese escrito. Faltaba despejar la incógnita.

Las razones aducidas por el Sr. Administrador para probar que la cantidad de $8,931.40, adelantados para el pago de *gastos judiciales* en un pleito de éxito dudoso, se encuentra bien colocada en el *activo* de su balance, son de las que una Compañía en estado desesperado puede aducir, porque, de otra manera, más lógico y, sobre todo, mas *positivo* hubiera sido empezar por pasar esa suma al débito de *ganancias* y *pérdidas*, á reserva de que llegase quizás el caso—muy eventual—de recuperarla y poder entónces hacer el traspaso correspondiente.

Repetimos lo dicho y sostenemos que ese sistema es defectuoso, porque tiene el inconveniente de estar repartiendo dividendos sobre operaciones dudosas.

Con la explicacion dada y creyéndola bastante, muy diligente ha estado el Sr. Administrador en volver á llevar esa cantidad de $8,931.40 al *activo* de su balance, para que le ayudase á probar que no hay *déficit;* pero al pasar á la segunda partida de $15,969.93 por *intereses* que dice están ya comprendidos en los $410,289.22½ que figuran en le *activo* como deuda del Ayuntamiento, por consecuencia de una cláusula de su contrato, que determina la condicion de *intereses de demora*, ¿por qué con tanta complacencia vuelve á dejar figurar esa cantidad entre los $501,720.86 que, como partida 6ª del *activo* que ha querido presentar, figura con la denominacion de "*agregar toda la cantidad en billetes que V. mismo suma en el activo*," cuando por confesion propia dice que está comprendida en la cantidad de $410,289.22½, debida por el Ayuntamiento?

Vuelvan, pues, los $15,969.93 al *pasivo*, y con esa sola operacion quedan fuera de combate los $14,890.47 que hace aparecer en su demostracion como *saldo en favor del activo* en billetes."

Y ya que no admite el favor que le hemos querido hacer, en compensacion de los *gastos judiciales*, que persiste en colocar en el *activo*, debe tambien llevar á su *pasivo* los $42,897.45 billetes de *productos por realizar*, puesto que, por su espontánea manifestacion, al querer llevar nuevamente al *activo* los $49,659.95 oro,—$99,319 90 billetes—por *valor de propiedades*, dice que no existe *acreedor* sin *deudor*, en cuyo caso debemos suponer que los $42,897.45 están ya comprendidos quizás en la misma suma en que figuran los $15,969.93 billetes, y por lo tanto es natural que, lo mismo que esta suma, vuelva al *pasivo*. Como se vé, el *déficit* va pronunciándose á pesar de la demostracion del Sr. Administrador.

¿Y qué nos dice de la diferencia de $57,937.08 billetes que señalamos como provenientes de las sumas irregulares de oro y papel? Se quedó callado; luego tenemos derecho á sostenerla en la categoría de *déficit*. Vayan, pues, sumando nuestros lectores.

Entrarémos ahora en el exámen de la demostracion que se ha querido hacer para desvirtuar nuestras manifestaciones anteriores.

Presenta en su *activo* el Sr. Administrador la suma de.....	.....	$731,827.77
de los cuales hay que rebajar, segun él mismo dice, por hallarse indebidamente comprendidos entre los $501,720.56:		
Los *intereses* que figuran en la deuda del Ayuntamiento, ó sean.....	$ 15,969.93	
y esta otra suma por *productos por realizar* que, como declara él mismo, debe tener su deudor en el *activo*.....	42,897.45	58,867.38
Tendremos, pues, de *activo*	.....	$682,960.39
Su *pasivo* presenta la suma de.....	$716,930.30	
á los cuales hay que agregar, como es natural, la cantidad quitada del *activo*, ó sean.....	58,867.38	
y tendrémos un *pasivo* de.	.....	775,797.68
desapareciendo así el saldo de $14,890.47 á favor del *activo* y quedando un *déficit* irrefutable de....	.....	92,837.29
que,con la diferencia de los	.....	57,937.08
de oro á billetes, hacen una totalidad de.....	.....	150,774.37

confesada por él mismo, aún cuando se admita que pueda pagar las cantidades pendientes, debidas

por compra de letras	$26,462.40 oro	107,259.67
por Agencia de Liverpool.....	31,137.32 „	
y por los plazos de propiedades compradas.....	49,659.95 „	

con los mismos efectos que motivaron esas tres deudas, lo cual está fuera de todo sentido comun, porque, ¿cómo es posible que se realicen las propiedades, los carbones y los efectos necesarios, indispensables á la marcha de la fábrica, para pagar cantidades adeudadas?

Todo el mundo comprenderá, desde luego, la exactitud de nuestro aserto, y por lo tanto tomará en lo que vale la demostracion que ha querido insinuar el Sr. Administrador con el fin capcioso ó poco pensado de probar que una cosa comprada se debe pagar con la misma cosa,—lo que en verdad se puede hacer; pero de una sola manera: realizándola, para con su producto cubrir la deuda—caso que no puede admitirse aquí, porque se necesitan los carbones, las propiedades y los efectos para los trabajos de la fábrica.

Resulta, pues, que no puede admitirse la demostracion presentada por el Sr. Administrador en su carta que precede, porque la hemos deshecho con sus propios argumentos, que revelan un *déficit* de $150,774.37, en vez de los $14,890.47 de beneficio que creyó haber encontrado con su contabilidad elástica.

Probada, como acabamos de hacerlo, la mala situacion de la Empresa, ¿cómo se explican esos fenómenos que vienen sucediéndose mensualmente desde principios de año, con el reparto de 1 por 100 en oro de dividendo? Como no tenemos á la vista la *situacion* de Enero y Febrero, que probablemente nos hubiera proporcionado la explicacion que buscamos, debemos conformarnos con hacer una manifestacion que, por falta de datos, quizás sea errónea, y es que creemos que esos beneficios que debian emplearse en satisfacer siquiera los dividendos que no se han podido pagar, segun *Situacion* de 31 de Diciembre del pasado, ascendentes á..... $58,258.48
La cuenta de Letras de $26,462.04 al 100 p§..... 52,924.08
La Agencia de Liverpool $31,137.32.. 62,274,64

ó sean..... $173,457.20

se reparten como beneficios, y quedan siempre las deudas que hemos señalado. Lo cual prueba que tenemos razon en decir que esos dividendos salen del capital, porque si esos tres acreedores se presentan pidiendo su reembolso, los accionistas tendrán que devolver lo que ántes han percibido, ó tendrá el Administrador que realizar las existencias de carbon, los efectos y las propiedades para hacer frente á sus compromisos. Y entónces, ¿cómo queda la fábrica? ¿Quién hace gas? ¿De qué modo se alumbra mal y todo la ciudad?

Sostenemos todo lo que hemos dicho, y denunciamos el hecho del reparto de dividendos como injustificable, y sinó, pedimos una prueba muy sencilla, que es la publicacion de los Balances omitidos en los dos meses que se vienen repartiendo dividendos.

Sentimos que el Sr. Administrador se despida del palenque precisamente cuando más falta le hace mantenerse en él. No obstante, es dueño de su voluntad; pero al volverse por el camino que ha traido necesitamos decirle:

Que la *Situacion* de 31 de Diciembre es mala, deficiente y está mal presentada.

Que el público, la prensa y los accionistas no son ni quieren ser adivinos y tienen derecho á que esos balances se publiquen con claridad y bien explicados.

Que no hay para qué tener conocimiento del movimiento diario de las cuentas.

Que si la Junta general acordó lo de *Bonos en suspenso* está mal acordado.

Que nosotros no desfiguramos hecho alguno, ántes bien buscamos su lógica razon de ser y estar.

Que *no ha lugar* á la apelacion á los demás Directores de Bancos y Empresas porque unos cometen el mismo error que impugnamos en la del Gas, y otros hacen las cosas al derecho.

Que no hay necesidad de examinar datos ni recibir explicaciones para hacer el juicio de un balance.

Que si este *balance* es simplemente de *comprobacion*, evidenciará que la contabilidad ha sido llevada con exactitud durante el año, en su parte *formal*,—lo que no excluye la posibilidad de errores *intrínsecos*;—mas nunca significará un *balance de situacion*, para lo cual es imprescindible reducir todos los *valores nominales* á *valores reales* en el momento en que se efectúa el balance, pues de otro modo, fácil sería presentar un documento en que *nominalmente* apareciese una ganancia enorme cuando reducida á valores *reales* ó *actuales* arrojaría una pérdida incuestionable. Balances de *comprobacion* es costumbre hacerlos todos los meses en una contabilidad bien ordenada: balances generales *de situacion*, son los que pide el Código de Comercio y los que hasta la fecha no ha querido presentar la Administracion de la Compañía del Gas.

Que, en fin, el público, la prensa, los accionistas y la Hacienda necesitan saber cómo puede ser que una empresa declare y demuestre, como lo ha hecho la del Gas. no haber tenido utilidades, que no pague la contribucion del 30 por 100 y, sin embargo, reparta dividendos de 1 por 100 en oro mensual.

EL BANCO DE SANTA CATALINA.

IV.

Dudosa situacion de esta Empresa.

Que un amigo ó dos amigos salgan á la defensa

de una Sociedad anónima y les suceda lo que al abogado Maltrana, casi casi se puede perdonar, porque ni está en aquella poderlo evitar, ni éstos son á veces bastante dueños de sí mismos para contener los impulsos de su generosidad; pero que el propio, el genuino, el legítimo Secretario de esa Sociedad haga lo mismo, es decir, que acometa la tarea de legalizar principios no justificados por las leyes vigentes, las costumbres y los usos establecidos en el comercio de esta Isla, es lanzarse fuera del terreno de la razon y empeorar la causa que se defiende.

Como no basta ser secretario del Banco de Sta. Catalina para conocer el valor de las palabras y medir su extension, empezamos perdonando al Sr. D. Andrés Sanchez y de Arregui la pretenciosa entonacion que intenta dar á las que, segun parece, estima como sentencias de cuello vuelto, porque si á la pena del Talion le sometiéramos, si fuésemos á cobrarle diente por diente, con seguridad que no le bastára todo el depósito dental del gabinete del renombrado Villarraza.

El Sr. Sanchez y de Arregui publica una larga carta dirigida á nuestro colega *La Pátria*, y vamos sin más preámbulo á enderezar los errores que en ella establece, refutando y rechazando lo que afecta los buenos principios, sin detenernos á parar las estocadas *académicas* tan *hábilmente* tendidas á la REVISTA ECONÓMICA con objeto de desorientar la opinion pública y de hacerse pasar por irresistible ante los que no acierten á comprender que esos juegos de alta escala, se desvirtúan por sí mismos, ó no se penetren de que la pretension de la REVISTA se reduce á ser clara y terminante en sus demostraciones para con el público que no ha podido comprender la incomprensible *Memoria* de dicho Banco, por mas que la haya redactado una Directiva que cuenta en su seno á un tan ilustrado Secretario.

Dudar no es *difamar*, como pretende nuestro impugnador. Tenemos perfecto derecho á dudar de lo que se presenta nebuloso, embozado y sin justificacion. No queremos medias tintas en asuntos de interés público y ménos en Sociedades en que está comprometida la fortuna de muchos padres de familia.

Si el Banco de Santa Catalina está boyante, que lo demuestre como corresponde y reciba por anticipado nuestros plácemes; pero sinó, que se reparen á tiempo los errores ú omisiones, porque mañana, si sucediese una quiebra, ese mismo Secretario podria ser el primero en lavarse las manos y eludir toda responsabilidad, achacando la desgracia á descuidos de la Direccion ó de otro cualquiera.

Al pretender el Sr. Sanchez que "para exactitud "del balance no tiene importancia que se exprese "la especie á que pertenecen el *capital* y las *pro-*"*piedades*" olvida que nosotros comprendemos por *balance comercial* el resúmen exacto y fiel de las operaciones efectuadas desde una fecha determinada hasta el dia en que es presentado ese balance, pues, el buen sentido comun y el más elemental instinto de equidad aconsejan que no basta establecer equilibrio entre el *activo* y el *pasivo* con guarismos imaginarios, á la manera del artista que inclina á un lado ú otro el balancin para mantenerse en la cuerda tensa.

Los guarismos de un balance deben ser explicados con claridad y colocados en el lugar que legítimamente les corresponde; y esta creencia está robustecida por el hecho de que nunca los accionistas y el público se han quejado de que tal ó cual empresa presente balances demasiado explícitos y memorias demasiado detalladas y claras, y sí de que las demostraciones no ofrezcan la suficiente claridad, como sucede en esta cuestion, á fin de que los accionistas, los especuladores y el público puedan comprenderlas y convencerse de las ventajas que se pretende evidenciar; como comprenden, sin que nadie se lo explique ni enseñe en los libros, las demostraciones de la Caja de Ahorros ó la Compañía de Caminos de Hierro de la Habana.

Una y otra empresas y muchas más de la Isla, el comercio especialmente, no confunden ni suman valores heterogéneos como lo hace la de Santa Catalina, para equilibrar su balance y figurar ganancias donde solo se ven pérdidas. Esas empresas y el comercio todo han sufrido las vicisitudes por que atravesó el país como las demás Sociedades, y no obstante, demuestran que si no han prosperado todo lo que pudieran con tiempos normales, léjos de haber perdido algo del capital que representan, lo han aumentado y aumentan merced á la discrecion de su manejo. ¿Quién estorbó, pues, al Banco de Santa Catalina seguir igual procedimiento?

"Es preciso que se convenza la REVISTA, niña "mal criada y advenediza que nació ayer envuelta "en pañales empapados en hiel, que, etc." dice el Sr. Sanchez y de Arregui.....!

Así empiezan las cuestiones personales: así se defienden los errores cometidos en la gestion de intereses agenos. Si nosotros dijésemos ahora que el Secretario del Banco de Santa Catalina á los dos años de fungir en la Compañía era un niño mal criado y advenedizo, estaríamos en nuestro perfecto derecho. Si replicásemos que él *despertó* ayer en un comunicado escrito con la bilis del despecho y la impotencia, le habríamos pagado sus insultos; pero no: la REVISTA está muy por encima de tamañas pequeñeces.

No hemos pedido al Sr. Sanchez la cédula de vecindad de esas personas que cita ni á cuento vienen; pero, si parodiásemos su frase, diríamos que los Redactores, Colaboradores y Director de la REVISTA ECONÓMICA, naturales de Cuba unos y con muchos años de residencia en ella otros, disfrutan de una acrisolada reputacion de honradez é inteligencia que no le va en zaga á la de las personas que cita. Y si parodiásemos tambien el fuero de Aragon, añadiríamos que cada uno vale tanto como el Sr. Sanchez y todos juntos mucho más que él; pero tampoco queremos recojerle esas inconveniencias. Estamos por creer que solo ha querido llamarnos *jóvenes* para discutir con los *ancianos*, lo cual nos trae á la memoria el hecho célebre de aquel noble español que, como el Papa extrañase que España le hubiese mandado un embajador jóven, sin pelo de barba, contestó altivo á Su Santidad: "Si el Rey mi señor supiera que las barbas dan ilustracion y autoridad os hubiera mandado un macho cabrío."

Siguiendo, pues, el órden del escrito, repetimos que la REVISTA no acostumbra que le hablen al oido y no puede ni quiere oir explicaciones particulares en el bufete de Santa Catalina ó de otras empresas sobre documentos que hayan publicado.

Si los cálculo- de la Memoria están mal hechos, culpa de la Directiva fué no haberlos revisado ántes, evitando así que la REVISTA los impugnase; pues la *nueva* cuenta publicada en *La Patria* y que reproducimos á continuacion, resulta que el Secretario, sin querer convenir en que estamos perfectamente en lo cierto, confiesa á renglon seguido que lo que afirmamos en el número 71 es la pura verdad, la lógica de los números, que nunca pueden mentir si se les coloca debidamente y con conocimiento de causa en el lugar que les corresponde; cosa que no se hizo en la Memoria, donde tampoco figura *especificacion* alguna referente á las 68,348 cajas, que produjeron $ 17,087 por convenio especial con los almacenes de Regla. ¿Porqué se omitió esto en el documento oficial de la Compañía?

Oigamos ahora como se explica el Sr. Sanchez:

Pero como que *la calumnia siempre mancha* sólo para satisfaccion de los señores accionistas haré las aclaraciones siguientes respecto á las 228,205 cajas de azúcar á que se refiere la Memoria.

Azúcar recibido:		
48,164 cajas		48,164 ..
55,362 sacos computados á razon de 4 por tres cajas		41,521 20
17,543 bocoyes á razon de 4 por bocoy		70,172 ..
Bonificacion hecha por la Compañía de Almacenes de Regla		68,347 62
		228,204 82

La REVISTA computa las cajas á 17 @ cuando es la práctica de la plaza hacer todos los cálculos á razon de 16 @. ¿Ni esto sabe el periódico *científico*?

La REVISTA computa los sacos á razon de 10 @, *ignorando que conforme* á una *escritura pública* esta Empresa tiene que computarlos á 4 por 3 cajas, ó lo que es lo mismo, á razon de 12 @ saco para que dé *próximamente el* equivalente del precio de tarifa.

La REVISTA computa los bocoyes á razon de 60 @, cuando por la misma causa expresada en el párrafo anterior *la Empresa tiene que computarlos á* 64 @, igual á 4 cajas, en cuyo cómputo hay equivalencia exacta con los precios de tarifa.

Todas esas *computaciones* son nuevas y faltan en el *cómputo* de la Memoria para *aproximarse aproximadamente* al precio de la tarifa.....! Pero ¿para qué esa tarifa, si escrituras públcas—cuya existencia se omite en la Memoria—impiden su observancia?

Veamos esto otro:

"Vuelva Vd. á ver, Sr. Director, y vean los accionistas de esta Empresa, la partida de que se componen los productos de los Almacenes, tal como resultan de los libros y comprobantes, y tal como están consignados en el balance general detallado de 31 de Diciembre que desde muy principios de año han visto ALGUNOS señores accionistas.

Almacenaje de 48,929 cajas azúcar á 4 reales		$ 24,464 50
Id. de 54,292 sacos á 35/00 scs. y á 14/00 qq. (1)		,, 20,824 31
Id. de 17,516 bocoyes á $ 2		,, 35,032 ..
Bonificacion de 68,347.62½ cajas á 25/00		,, 17,086 98
Almacenaje de 2,080 sacos sal á varios precios	$ 593 69 ,,	
Id. de 5,250 cortes envases id. idem	,, 73 74 ,,	667 43
Otros productos menores	,.	1,387 26
Total igual á la cifra expresada en la Memoria		$99,462 48

Este es el compendio de la cuenta detallada de productos, que Vd. ha visto, y que, como lo expliqué cuando tuve el honor de recibir su visita, no se prestan á fraude de ninguna especie, porque además de intervenir diariamente en las operaciones de entrada y salida de frutos y mercancías tres periódicos comerciales (el *Boletin*, el *Avisador* y la *Revista de Almacenes*) seria necesaria además de la connivencia de multitud de empleados subalternos, la del Comercio y la de los Hacendados.

Comparando las dos cuentas entre sí, resulta que si en la primera se calcula el saco á 300 libras, en la última el peso verdadero solo ha sido de 269, que, segun tarifa, pagaron á 37 $\frac{66}{100}$ centavos por almacenaje. Se nota tambien que el número de cajas, sacos y bocoyes especificados en las dos cuentas es diferente. En la última figuran 765 cajas más y 27 bocoyes y 70 sacos ménos. ¿Por qué no se explicó esa diferencia? Quisimos aclarar ésta, consultando los periódicos comerciales citados y principalmente la *Revista de Almacenes*, como verdadero norte en esa duda; pero no quedamos satisfechos de la exactitud del número de cajas, sacos y bocoyes especificados en la cuenta de ingresos por almacenaje; puesto que, segun dicha *Revista*, las existencias en 1° de Enero de 1878 y movimiento hasta 31 de Diciembre han sido en los almacenes de Santa Catalina como sigue:

	Cajas.	Bocoyes	Sacos.
Existencia	9,246	962	3,244
Entradas	48,164	17,513	55,362
	57,410	18,475	58,606
Salidas	48,673	17,417	54,471
Existencia en 31 Dbre. 1878.	8,737	1,058	4,135

Resulta de los datos precedentes que el Sr. Secretario se equivoca; de otro modo no se explicaría la diferencia que existe entre la contabilidad que presenta el Banco, y los datos oficiales de la *Revista de Almacenes*.

Si, pues, la Direccion concede que ésta publica la verdad, debe declarar inexacto lo que afirma su Secretario, porque, segun aquel colega, las salidas fueron de

48,673 cajas
54,471 sacos y
17,417 bocoyes,

mientras que el Sr. Sanchez y de Arregui afirma haberse recibido el almacenaje de

48,929 cajas
17,516 bocoyes y
55,292 sacos,

esto es, una diferencia, en más, de

292 cajas
99 bocoyes y
821 sacos.

Esta diferencia de números no tiene su importancia principal en que se presente un ingreso ma-

(1) Dejo de aclarar el número de quintales para que la REVISTA ejercite sus matemáticas.
(¡Muchas gracias!)

yor de lo que lealmente puede calcularse haya ingresado; pero lo que importa positivamente es averiguar si esas cajas, bocoyes y sacos *en más* han salido en efecto de los almacenes, como afirma el Sr. Secretario, á fin de saber hasta que punto se puede confiar en los datos de dicha *Revista* que hasta la fecha nos ha inspirado completa fé. Ahora bien; si esas cajas, bocoyes y sacos *en más* existen, habrá de suponerse que el Banco recibió $653.19 cts. por almacenaje anticipado, cosa que no creemos, porque éste, segun costumbre, se paga á la salida de los azúcares.

Como se vé, estos errores por insignificantes que parezcan á primera vista, son irregularidades que no debe cometer el Banco de Santa Catalina, y ménos teniendo un Secretario tan celoso de los cálculos.

Respecto á los ingresos que supusimos por seguro de incendio, tuvimos derecho á proceder así con vista de la Memoria que hoy modifica el Sr. Secretario, explicando que 68,348 de las cajas que figuraban *entradas* en los almacenes de Santa Catalina *entraron en los de Regla*, mediante una *bonificacion convencional* de que no se dió cuenta á los accionistas.

En cuanto al *fondo de reserva*, repetimos que no existe, que no lo tiene el Banco, pues de otro modo hubiera constado en el Balance.

Vamos á concluir copiando la conclusion del Sr. Sanchez que dice:

Será posible que la REVISTA no se dé por satisfecha con la precedente demostracion y que todavia insista en hacer cálculos. Sin embargo, como que es un periódico *científico*, seguirá aquella máxima que dice "es de sábios reconocer su error." Y si no lo reconoce, buen provecho le haga: mi objeto al dirigir á Vd. la presente es satisfacer á los accionistas y al público.

Acertó, en efecto, el Sr. Secretario. La REVISTA hoy ménos que ántes, no tiene por qué darse por satisfecha y debe insistir en sus proposiciones, máxime cuando ha sabido destruir toda la argumentacion de quien se ha permitido *ex cáthedra* calificarla de periódico *científico*.

Como el objeto de la REVISTA es tambien ilustrar á los accionistas y al público, resume sus observaciones sosteniendo:

Que la Memoria es incompleta, confusa é inexacta;

Que las ganancias que arroja el Balance son imaginarias;

Que no existe fondo de reserva;

Que los cálculos del Sr. Sanchez no concuerdan con los datos de la *Revista de Almacenes*, que aduce en su apoyo;

Que no se cumple como es debido el Reglamento de la Sociedad.

Que, separando debidamente los valores de oro y papel, resulta un *déficit* de $152,610 oro.

LA INTERNACIONAL.

La cuestion del Socialismo solo puede resolverse económicamente, y bajo este concepto debemos abordarla.

La ciencia de las riquezas es la única encargada de arrojar su luz clara sobre los ántros tenebrosos en que se agitan espíritus inquietos: y la solucion—fácil por cierto—de ese problema al parecer tan cumplicado, consiste únicamente en *satisfacer las aspiraciones muy legítimas del lucro por medio del trabajo.*

Arreglarse las sociedades de tal suerte que las exigencias crecientes cada dia de su comercio, de su agricultura y de su industria, encontrasen plena y legal satisfaccion, porque todos los hombres de trabajo obtuviesen la justa recompensa y porque *pudieran dar á sus empresas el ensanche que marquen la ilustracion y los recursos de cada una de las diversas naciones de la tierra*, sería la única solucion indispensable. Para este fin es preciso reunir los elementos todos que existen por ahora dispersados de la vida social, ligarlos entre sí con vínculos estrechos, y *quitar á la contratacion universal y al libre tráfico las muy fuertes barreras* que la ceguedad ó la muy poca comprension de las bases fundamentales de economía política le oponen sin cesar.

La aspiracion á la riqueza por medio del trabajo no puede caberle duda á nadie de que es la más legítima, la mas noble y la mas útil para las sociedades. Este reconocimiento constituye un sagrado deber para todo político y para todo génio reflecsivo; cual es el de alentar tendencias de este género en vez de disminuirlas.

Al Gobierno es, por tanto, al que le corresponde adelantarse al pueblo para buscar el bien comun, ó cuando ménos, seguir las inspiraciones que el pueblo le sugiera como conocedor profundo de sus necesidades propias. Antes de la Internacional Socialista, deberia haberse organizado por el acuerdo unánime de todos los Gobiernos la Internacional Universal con el fin de mancomûnar los intereses humanos y de llegar á acuerdos económicos que entrañasen felicidad y lucro en general. Estas razones son, como se concebirá muy fácilmente, las que hicieron á nuestra filantrópica y progresista Sociedad "Las Clases Productoras" iniciar desde el año de 1877 el establecimiento de *una Confederacion Productora Universal*, con su *Congreso Permanente*, enlazando en los pliegues de la blanca bandera que con orgullo tremolamos, los tres inseparables elementos de la produccion y del progreso, que forman nuestro lema y que son, *Inteligencia, Capital, Trabajo*; pero nuestra voz, débil por cierto para dominar en breve término tantas malas pasiones como militan en contrario de nuestra buena voluntad, quedó perdida entónces y continúa perdiéndose, en las apariencias, cuando ménos entre los laberintos complicados de la estéril política.

Triste es confesarlo; mas la verdad ingénua, sin ódios y sin otra esperanza que el bien de la generalidad, debe ser dicha y escuchada siempre y en donde quiera. El hecho es este: que los Gobiernos se ocupan mucho mas de ellos mismos que de las sociedades que dirijen. La abnegacion política no existe—fuera de alguna otra figura tan sobresaliente como lo es la de Washington,—y si es raro encontrarla entre los individuos, parece ser mas raro todavia entre ciertos cuerpos colectivos, por mas que estos se llamen de representantes de los pueblos.

Así, pues, antes de ser severos los que rigen, reflexionen un poco, *si es que ayudan* ó *si es que contrarian* las tendencias legales de todo productor, facilitando en el primer caso el desestancamiento y la libre circulacion de los valores, ó entorpeciendo en el segundo caso toda prosperidad con las múltiples trabas y las gabelas crecidísimas que sin tasa ninguna aumentan siempre, directa ó indirectamente al pueblo laborioso.

Desestancar la produccion; movilizar más el importe de toda propiedad, quitando las aduanas y todas esas trabas que restringen la libertad del hombre para disponer de *sus valores* cómo, en dónde y cuando cuadrara mejor á sus ganancias, sería la prueba nada equívoca del respeto debido á toda propiedad; pero encadenar la produccion, confiscarla, exigirle hasta más de lo que rinde de utilidades líquidas,—como sucede con bastante frecuencia—y nunca señalar límite á los impuestos, es el despojo y el comunismo mas perfecto que se sostiene por la opresiva fuerza en contra de todo derecho y en oposicion al buen criterio, porque, ántes de reclamar tributos imposibles, se necesita dar facilidades para obtener á consecuencia de ellas lucro proporcionado.

La confesion sincera de los propios errores, honra en gran manera á quien la verifica: ella eleva á la mayor altura á los verdaderos diplomáticos que como Mr. Gladstone, vierten conceptos semejantes á estos, que no puedo menos que consignar aquí después de haberlos admirado: "*A nosotros*—dice hablando de Inglaterra—*nos incumbe un gran deber, que lastimosamente descuidamos. Es el de preparar con viriles é incesantes esfuerzos la reduccion de las cargas públicas, para el dia en que podremos menos que en el presente, rebajarlas ó suprimirlas.*" Y tratando en ese mismo artículo de la supremacia mercantil que parece le arrebatará al Reino Unido la República de los Estados Unidos del Norte, dice tambien: "*por mi parte ningun deseo tengo de murmurar contra esa perspectiva. Si Norte América pasa á ser la primera será por el derecho del más fuerte, y en estas materias el más fuerte significa el mejor. Ella será lo que nosotros somos ahora, la gran proveedora de los pueblos y estos recurrirán á sus servicios porque serán más útiles.*"

Un criterio profundo y una lealtad muy grande son necesarios para confesar que esa Administracion,—la primera siempre en concesiones liberales en favor de la produccion y del comercio, así como la más inteligente en las finanzas—ha *descuidado lastimosamente*, segun las expresiones del gran político, los más importantes intereses, cuya negligencia le impone ahora á Inglaterra como "*un gran deber digno de viriles é incesantes esfuerzos la rebaja ó la supresion de las cargas públicas.*"

Un contraste notable nos presentan las aseveraciones de Mr. Gladstone tan dignas como honrosas, con la conducta política que quiere imponer en la actualidad, la figura por ahora dominante del príncipe Bismark, que ni reconoce los errores, ni permite tampoco la libre discusion sobre los actos del Gobierno aleman, ni aún siquiera en el seno del parlamento, que es al que le corresponderia estudiar los sucesos, para conocer con precision la causa de los males y ayudarle al Imperio á conjurar los peligros futuros con aquellas medidas adecuadas al caso.

Si es cierto que los crímenes deben de castigarse, tambien es un deber y más estrecho en las autoridades, prevenir los delitos evitando en todo lo posible las ocasiones de ellos.

Si las exigencias del pueblo laborioso *porque su trabajo obtenga lucro*, son exigencias justas, atiéndanse desde luego, como dice Mr. Gladstone, con *incesantes y viriles esfuerzos*, para aliviar los sufrimientos físicos y morales de nuestros semejantes en desgracia, en vez de aplazar indefinidamente cuestiones de vital importancia, ó de acallarlas por la fuerza sin meditar los resultados.

Reflexiónese en la terrible, en la desesperante situacion del padre de familia, que queda sin trabajo un solo dia ó sin jornal que corresponda á sus muchos esfuerzos y á sus necesidades apremiantes, rodeado de sus hijos que lloran, y sin contar siquiera con el pan suficiente para satisfacer en algo la hambre devoradora de seres tan queridos. Reflecsiónese en la jóven honrada, sosten de anciana madre ó de hermanos pequeños, luchando entre su honor y la vida de los que de ella penden, y que esperan risueños, pero hambrientos, su llegada tardía.

El hombre civilizado tiene mayores exigencias que el pária ó que el salvage, y las torturas de su espíritu, hijas de su mayor ilustracion, reclaman otra cosa que el triste y degradante estado en que se miran sumergidos muchos de esos séres de intachable conducta é incapaces por tanto *de degradarse* hasta llegar al crímen, ni de pedir una limosna que su orgullo rechaza.

Yo he visto á algunos de esos héroes de la probidad y del trabajo *morir de la miseria* para sacrificarse á sus familias, y esto, entre las angustias consiguientes á su débil estado, incapaz ya de remediarse cuando se vino á descorrer el velo espeso de dignidad grandiosa con el cual encubrian cuidadosos el verdadero orígen de la decadencia de su cuerpo. Al contemplar á tan sublimes cuanto ignoradas víctimas, mis ojos,—hay que confesarlo—se han humedecido, y mi corazon, ya sublevado ante las lúgubres imágenes del dolor y la muerte, ha jurado y lo cumple, ser el defensor de la miseria.

Si hasta para los brutos tenemos compasion cuando se les recarga de trabajo ó se les priva de sustento, una mejor filantropía ó caridad cristiana deberíamos lucir, no con las limosnas ostentosas que nadie que se estime ofrece ni recibe, sino *con el trabajo salvador y remunerativo y con la instruccion vasta y gratuita* que lanzan al mundo, para moralizarlo y mejorarlo, ciudadanos instruidos, ricos con su saber, altivos en su justicia y orgullosos en todo de sí mismos por el cumplimiento del deber.

No es una exigencia loca ni ménos criminal—miéntras que no llega á excesos reprobados—la de reclamar, en nombre de esa dignidad humana que tanto decantamos, *el que el trabajo se haga lucrativo*; que deje á todas las clases y á todas las fortunas una retribucion correspondiente á las necesidades creadas por la mayor cultura de la época presente. La sociedad actual tiene además de las exigencias corporales de comer y beber, de vestirse y de tener albergue, las exigencias del decoro y del desarrollo intelectual, que requieren, no sólo la ilustracion del gefe de familia, sinó tambien la de los débiles y los pequeños miembros de ella, inútiles por tanto para dar beneficios, y carga muy pesada—por más que sea muy grata—si es que debe atenderse cual corresponde á la civilizacion siempre en progreso.

Los gobiernos *reclaman los deberes* sin condicion alguna y hasta castigan al padre que desoyendo el grito de la naturaleza abandona á sus hijos, y hasta al que desatiende los preceptos de la enseñanza obligatoria. Mas veamos ahora, si antes de ser tan exigentes, han cumplido á su vez esos gobiernos deberes semejantes y si son ellos *tan previsores* y *tan humanitarios* como exigen por fuerza que lo sean todos sus gobernados.

No existe la igualdad, y al murmurar las masas agobiadas, no se acude al remedio.

De desacierto en desacierto se exasperan los ánimos en lugar de calmarlos y de hacerles justicia. No se atienden las cuitas, no se calman los dolores, y ni se rebajan las gabelas, ni se accede tampoco á libertades útiles.

En cambio de esto, se afean, se reprochan y se castigan con rigor *los crímenes agenos, olvidando los propios.*

Si hay circunstancias atenuantes, existirían á no dudarlo de parte del más débil que obra bajo la influencia de los tormentos de su espíritu, del aniquilamiento de sus fuerzas y de la desesperacion y la tristeza que acibaran su vida. Lo atenuante de los mandatarios y magnates es, en el mayor número de veces, que no conocen esos males ni se forman la idea de ellos, al no sentirlos ó que, agobiados por las vigilias—no las que originan los trabajos, —no pretenden amargarse la vida ni manchar sus flamantes vestidos, descendiendo á tan bajas regiones.

No se juzgue por esto que sea yo partidario de la Internacional, ni mucho ménos que preste mi apoyo á los excesos y desórdenes por ella cometidos; pero sí es necesario que lanzado como lo estoy á la defensa de una causa tan noble como grande y presidiendo á millares de asociados dignos de un gran respeto por su intachable y medida conducta como productores, como científico-prácticos, ó como obreros, que continúe mi voz tomando participio en todas las cuestiones que afecten el espíritu de asociacion y que puedan echar algun desdoro sobre las clases en general á que con honra pertenezco.

Confieso con ingenuidad que algo me incline más á juzgar con severidad á los gobiernos; y esto proviene, de que creo mas digno y mas honroso encontrarme por ahora al lado de los desgraciados y los débiles, que á favor de los fuertes y felices. Si las cosas cambiáran—como no será remoto que suceda si falta prevision—y el fuerte entónces abusara del triunfo, me pondria en contra de él.

Al abogar por la mejor situacion para todos los hombres de trabajo, condeno tambien los desvaríos por algunos de ellos cometidos, los cuales en ciertos casos creo la obra de la ignorancia ó de una imaginacion calenturienta, conducida é errores deplorables por consejeros ambiciosos de corazon pervertido.

En los desastres de Paris y en los de otros lugares, cometidos por masas tumultuosas, estoy seguro de que lo que ménos hubo fueron honrados jornaleros, ni ménos productores ni capitalistas con empresas activas.

Los que quieren comunidades imposibles entre los seres racionales, y que *matan, incendian y roban* no pueden ser sinó bandidos detestables de la especie comun sobre quienes la ley debe caer inflecsible.

La Comuna que todas las riquezas destruye, y el obrero que todas las edifica y las conserva, no pueden lógicamente encontrarse reunidos, ni hacer un solo cuerpo, porque en ese supuesto tan absurdo el obrero perderia para siempre hasta su orígen y su nombre.

Las asociaciones de trabajo que quieren el reconocimiento de sus derechos y la legal defensa de sus intereses, protestando en último caso, si se las desatiende, hacerlos valer hasta por la fuerza si fuera necesario—pero siempre sin crímenes—no las veo yo ni las considero un mal para las naciones que aspiran al progreso, sinó al contrario como un bien, porque despertarán á esas inteligencias adormecidas y magnetizadas por el soplo de la adulacion que las rodea, y moverán los corazones que alienten aún bellos sentimientos á pensar en el bien de los pueblos mejorando las clases sociales, sin posponer jamás las unas á las otras, supuesto que, *en la armonía de los tres elementos, Inteligencia, Capital* y *Trabajo* y no en la separacion ni en la postergacion de algunos de ellos—lo cual solo daría por resultado el desequilibrio y la ruina de todos—estriba la útil formacion de las riquezas bajo condiciones ventajosas.

Atiéndanse preferentemente estas cuestiones, bajo el punto de vista económico para proporcionar *trabajo, lucro* y *ahorros*, y los pueblos entónces bendecirán por siempre á los hombres filántropos que relegaron al desprecio las proezas de extermínio y que conquistaron sin mortíferas armas el amor y el respeto de la humanidad entera.

Habana, Marzo 10 de 1879.

PANFILO CARRANZA.

"LA VOZ DE CUBA" Y EL ZANJON.

Dice *El Pabellon Nacional* de Madrid:

Como asunto de actualidad reproducimos el siguiente artículo publicado por *La Mañana.*

En nuestro número anterior ofrecimos fijar las diferencias entre convenio, capitulacion y tratado.

El convenio determina la relacion de derechos y obligaciones entre partes.

La capitulacion determina, como hemos visto, la relacion de derechos y obligaciones entre contrarios en armas y sobre accidentes de la guerra.

El tratado y el acuerdo determinan la relacion de derechos y obligaciones entre dos ó más poderes soberanos sobre instituciones políticas, de derecho y de administracion, ó sobre puntos de navegacion y comercio.

Las tres definiciones tienen profundas diferencias por las personas y la legislacion, y por el objeto.

Por las personas, porque el convenio se celebra entre partes privadas: es de derecho civil. La capitulacion puede celebrarse por jefes accidentales cualquiera que sea su graduacion. Un capitan, un sargento, un cabo, un soldado, pueden celebrar una capitulacion. Es caso propio de la ordenanza militar. El tratado y el acuerdo solo pueden celebrarse por poderes soberanos. Es de derecho político.

Resumamos. El convenio es de derecho civil. La capitulacion es de la Ordenanza militar. El tratado es de derecho político. El primero, el convenio, se celebra entre partes; el segundo, la capitulacion, entre jefes militares; el tercero, el tratado, entre poderes independientes.

El objeto constituye la forma que profundamente determina las diferencias.

El objeto del convenio es el interés privado. El de la capitulacion es el de la guerra. El del tratado son las relaciones entre los pueblos sobre el derecho de sus distintas clasificaciones.

Apliquemos. Existía en el Zanjon, por una parte, el ejército español y la representacion del gobierno de España. Por la otra parte, un poder que se decia soberano con Cámara y Presidente, representado por una Junta central llamada del Camagüey.

Apliquemos. Entre estos dos poderes se fijó una relacion de derechos y obligaciones. Esa relacion no constituye convenio porque no eran partes privadas. Esa relacion no constituye capitulacion por que no se trataba de dos jefes militares. Esa relacion constituye tratado porque se celebró entre dos entidades, de las cuales, la una se decia gobierno y la otra lo era realmente. No habia partes privadas ni habia jefes militares. "He celebrado la paz con la Junta central del Camagüey bajo las siguientes bases," dijo el pacificador al comunicar el convenio del Zanjon. Y dijo más, dijo que el Gobierno y la Cámara habian renunciado y que la Junta central habia sido nombrada por el pueblo para celebrar la paz.

Habia allí un poder soberano cierto, y un poder aceptado para hacer la paz. Concurre, por lo tanto, la primera condicion referente á las personalidades ó entidades que con su intervencion constituyen la esencia del tratado. Se celebró entre el General Martinez Campos, representante del Gobierno de España y la Junta central representante del elemento revolucionario. De aquí que el Sr. Cánovas del Castillo dijera en el Congreso: "El gobierno hace suyo el convenio del Zanjon."

Continuemos. Esta convencion no puede ser convenio porque no se contrae á objetos privados. No puede ser capitulacion, porque no se refiere á accidentes de la guerra. Constituye tratado porque versa sobre puntos de derecho político, de administracion, de instituciones de gobierno. No habia interés privado ni interés de guerra. Habia interés político sobre la forma y modo de gobernar la provincia.

"He celebrado la paz con la Junta central del Camagüey, que ha sustituido á la Cámara y gobierno, bajo las siguientes bases." ¿Y cuáles eran esas bases? Instituciones políticas. Y hé aquí cómo concurre la condicion esencial de los tratados, que relativa al objeto, debe versar sobre puntos de derecho político. ¿Puede una capitulacion tener por objeto la administracion y gobierno? No, es imposible.

Ni aun siquiera podria una capitulacion celebrar la paz. Esta determina la relacion de derechos y obligaciones políticas. Y nunca podria ser objeto de una capitulacion sino de un tratado.

De consiguiente, tenemos que por las entidades, por la legislacion y por el objeto, el acuerdo del Zanjon no puede constituir capitulacion, y solo puede constituir tratado.

Y note *La Voz de Cuba* que el tratado puede á la vez que estipular sobre puntos de derecho político, estipular tambien sobre puntos de guerra. La capitulacion no puede comprender la política y la guerra, porque está formada por los poderes soberanos.

Véalo nuestro colega. Lo del Zanjon es tratado. Tratado por las entidades; tratado por la legislacion; tratado por el objeto. Ni por las entidades, ni por la legislacion, ni por el objeto, puede ser convenio ni capitulacion.

Si hubiera partes, si hubiera legislacion civil, si hubiera objeto privado, habria convenio.

Si hubiera jefes militares de grande ó limitada graduacion; si hubiera ordenanza militar; si hubiera exclusivamente objeto de guerra; habria capitulacion.

Hubo derechos políticos, hubo instituciones de gobierno, hubo tratado.

Y quede sentado que el acuerdo sobre guerra constituye capitulacion. Y quede sentado que todo acuerdo sobre situaciones de gobierno ó sobre derecho político constituye tratado.

Bien hicimos, por lo tanto, al llamar en nuestro programa tratado al del Zanjon. Y contestada la última impugnacion de *La Voz de Cuba*, réstanos preguntarle, ¿por qué tiene tanto empeño en sostener que fué lo del Zanjon pacto y no tratado?

¿Lo hace por ofender? ¿por herir? ¿por humillar? ¿Cambia el derecho y la naturaleza de las cosas para insultar, para exaltar susceptibilidades? ¿No comprende que es necesario olvidar? ¿No comprende que escarbando y escarbando se forman los abismos? Olvide su antiguo sistema de insultos y de vejámenes. Imprudente fué en la guerra. No sea imprudente en la paz. Pídale á Dios por el alma de los muertos. Riegue flores sobre las tumbas.

Ya pasaron aquellos tiempos adorados por *La Voz de Cuba* y odiados por nosotros. Aquellos en que solo los escogidos podian hablar, y hablaban para acusar. Hoy todos hablamos. Y nunca faltará quien reprima los malévolos instintos, gritando "Atrás, profanos; dejad reinar la paz."

EL ZANJON Y EL "DIARIO DE LA MARINA."

Dice el *Diario de la Marina* que el hecho del Zanjon proclamó la *Asimilacion de Cuba á Puerto Rico*, como institucion; y como aspiracion legítima y naturalmente derivable de aquella, la *Asimilacion de Cuba á la Península.*

Si el *Diario* hubiera dicho la *Asimilacion de Cuba á Puerto Rico* por lo que Puerto Rico se asimila á Filipinas, y por lo que Filipinas se asimila á Fernando Póo, se le hubiera entendido mejor.

¿A qué periódico de la Península se podría asimilar el *Diario* con sus dividendos y sus trescientas arrobas?

IMPRENTA
LIBRERIA, PAPELERIA Y ENCUADERNACION
DE
LA PROPAGANDA LITERARIA
[Premiada en la Exposicion de Filadelfia.]
1878.—O'Reilly, 54—Habana.

Fil

Havana.

Wood

(Cable)

asked. 8
April

Havana March 28. 1879.

Assistant Secretary of State,
Washington.

Truck Steamer from tenth
to thirteenth and British from
twenty first to twenty third
every month.

Hall

Wood

No 790. — U.S. Consulate General

Havana, March 28th 1879.

DEPARTMENT OF S.
APR
3
1879
RECEIVED

Mr Hall, to the

ackg. 8 April

Department of State

Acknowledging the receipt of Mr Seward's telegram, asking for information in regard to the sailing of steamers not American for Vera Cruz.

No 790.— U.S. Consulate General

Havana, March 28th 1879.

Hon J.W. Seward

Assistant Secretary of State.

Washington.

Sir:

I am in receipt of your telegram of this date, as follows:

"On what date do steamers, not American, leave Havana for Vera Cruz?"

To which, I replied as follows:

"French packet from tenth to thirtieth and British from twenty first to twenty third of every month."

The only regular mail and passenger steamers,

not American, plying between Havana and Vera Cruz, are the two named in my telegram - each leaving this port for the last named, once a month - the French steamer, from St Nazaire and Martinique, leaving from the 10th to 13th, and the British steamer, from Southampton and St Thomas, from the 21st to 23d - her last departure however, was on the 25th instant.

I am Sir, very respectfully

Your Obedient Servant

Henry C Hall

Consul General.

Present to
deputation to
Mr. Lowell

copy sent to
Mr Lowell - 30
abs 79

draft dec
+
Mr Wood

No 791. — U.S. Consulate General

Havana, April 10th 1879.

DEPARTMENT OF STATE
APR
18
1879
RECEIVED

Mr Hall to the

Department of State.

Arrears of extraordinary taxes.

Accompanying a list of the names of several American citizens against whom there are pending arrears of extraordinary taxes from which German subjects are exempt. With special reference to the Departments instruction No 485 of 6th January 1879.

One inclosure.

N° 791. U.S Consulate General

Havana April 10th 1879.

Hon J.W. Seward

Assistant Secretary of State

Washington

Sir:

Your instruction N° 485 of the 6th January ultimo, transmitting a copy of Mr Lowell's dispatch N° 125 of 13th November 1878, directed me to furnish the Department with an explicit statement of cases of exceptional hardship — arising out of the collection of the arrears of the abolished 5, 10. 15 and 30 percent taxes. In my dispatch N° 770 of the

17th January ultimo; in reply to that instruction, I stated that I was not then prepared to furnish the statement referred to, not having had occasion to keep a list of the names of the numerous complainants who had applied to me from time to time for my good offices with the authorities in obtaining relief from the exactions of tax-collectors.

In the meantime, however, I had obtained from the "Director General de Hacienda", Mr Cancio Villa-amil, a still further suspension of all coercive measures against our citizens in the collection

of

of these taxes and, in informing him of the tenor of your instruction, N° 485, and of the difficulty I found in preparing the required list, he suggested that it could be made in the offices of the Government and that he would give orders to have it done - as he did, at once, by calling the chief of the bureau of taxes and instructing him accordingly: this list, however, has not been made and the same official, who was instructed to prepare it, now states that the data in his department is not sufficient for the purpose.

I now transmit herewith

a partial list of our citizens residing in the Island — against whom, there are, as far as I have the means of knowing, pending arrears of the before named abolished taxes from which German subjects are specially exempted; of these names, eighteen were presented to Governor General Jovellar in September 1876 — the remaining fifteen, as well as the others, have applied to me, repeatedly, for my good offices with the authorities to obtain relief from the exactions of tax collectors. I consider all these cases to be of exceptional hardship, and there are, beyond

a doubt, other cases, equally deserving, which have not yet been brought to my notice and for whom I respectfully ask such considerations may be conceded as to those named in the list: the sums demanded are from 300 to 10,000 dollars. but none of these persons have any idea of what else they may not at some time be required to pay: for instance, in January last, Mr David Wood was called upon by a tax-gatherer, with an order to pay some two hundred dollars, said to be on account of the 5 per cent tax abolished in 1875: it

was the first intimation he had ever received that there was such a demand pending against him: he was given until the next day to pay the amount or have his furniture embargoed and taken from his house: in this juncture, I obtained an order from Mr Cancio Villa-amil to suspend proceedings. The whole system, from the first, has been one of extortion; the taxes appear to be apportioned without any regard to justice, equity or other consideration whatever: no opportunity is given for appeal until after payment, and

every

every one knows how much
an appeal is worth here
under such circumstances.

Mr Cancio-Villaamil,
the late Director General
of Finance, surrendered
his office and departed for
Spain on the 5th instant. It
is understood that he will
there occupy an important
position under the Government:
he will be, at least, a Counsellor
of State and it is intimated,
should the Ministry of Martinez
Campos remain in power,
that he may be the Minister
of the Colonies. I am greatly
indebted to him for his considerate
action already referred to, and I

have

have, besides, his assurance that he will do all in his power to have these arrears of taxes, against American citizens, remitted and our people placed on the same footing with Germans: I am quite confident that if the matter were brought to the notice of the present — Ministry of Spain, and Mr Cancio Villa-amil were consulted in regard to it, this vexatious question would terminate.

Referring to Mr Lowell's dispatch, Nº 125 of 13th November 1878, a copy of which accompanies your instruction Nº 485, I beg leave to call your attention

to the report of his interview
with the Minister of Foreign
affairs. Mr Lowell says—
"I asked him the direct question.
"Are the United States treated
"as favorably as any other
"nation with the single
"exception of Germany.?"—
He answered—"precisely
on the same terms."

I am not aware that
in any of my communications
to the Department, upon
this subject, during the past
two or more years, I have
ever stated that Americans
were treated differently from
those of other nations except
Germans; our citizens however

have claimed that they are entitled to the same treatment as the latter and the Department's instructions have sustained these pretensions. I refer to instruction No 328 of the 20th February 1876 in regard to the embargo placed upon the property of Messrs J.C. Burnham & Co in which I was directed to protest against the enforcement of any order of execution against it. I beg also to refer to instructions N°328 of 20th Feby, N°s 352 and 356 of the 4th and 16th May, 394 of the 18th July, 409 of 11th October, N°421 and 427 of the 4th and 28th December 1877.

I have the honor to be Sir, very respectfully

Your Obedient Servant
Henry C. Hall
Comm'l Genl

Inclosure:

1. List of citizens of the United States, furnished in accordance with the Department's instruction N°485 of 6th January 1879.

Inclosure No 1.

With Dispatch No 791

Havana April 10th 1879.

Partial list of citizens of the United States residing in Cuba against whom it is believed there are pending arrears of the abolished 5, 10, 15 and 30 per cent taxes from which German subjects are specially exempted

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Havana

J.C. Burnham & Co - Merchants

Lawton Brothers "

Colles T. Pond (Bankrupt left the place) "

Robert B Ely

Ely & Saurale } Ship-brokers.

Antonio Bollag – Ship-broker.

Anson H. Taylor - Street paver.

Daniel M. Burgess - Physician.

David Wood Dentist

Erastus Wilson (absent) "

Joseph F. Downs "

Joseph E Salles "

Corydon A Woodward (non resident.)

Samuel G Wheeler "

Ramon O. Williams "

Van De Water & Co - Foundry

Maria L. Almy (non resident)

Boarding House

Charles. P. Weeks - Tamps

The above names were given to Governor General Jorellar on the 27th September 1876 and recommended to his favorable consideration for

exemption from the payment
of the extraordinary taxes.

The following are
the names of persons who
have at different times —
claimed the good offices
of the Consulate General
in obtaining relief from
the exactions of tax collectors.

- Habana -

Fernando B Hamel - Real Estate
Cristobal J. Madan - Planter
Heirs of John Lambden - Real Estate
Ernest J Gueringer (absent) do
Silus Underwood and
wife Luciana N. Underwood do
Myron H. Taylor do
Anthony Christ do

Hamel Sons & Co. (bankrupt) ship-brokers.

Sagua la Grande.

Francis R. Gleaw - planter.

George L Thorndike "

Luis J. Stocker "

Remedios

Heirs of Charles E. Morrell.
planter.

John B. Dod. physician

Bishop & Co. in liq^n (absent)
warehouses.

U.S. Consulate General

Havana April 10th 1879.

Wood

No 792. U.S. Consulate General.

Havana, April 19th 1879.

DEPARTMENT OF S.
APR
24
1879
RECEIVED

Mr Hall, to the

Department of State.-

ackd. May 6

Arrival of Governor General Blanco.

Announcing the arrival, on the 17th instant, of General Ramon Blanco appointed Governor and Captain General of Cuba, — transmitting a copy of his address to the inhabitants of the Island.

One inclosure.

No 792 — U.S. Consulate General.

Havana, April 19th 1879.

Hon F.W. Seward.

Assistant Secretary of State.

Washington.

Sir:

General Ramon Blanco, appointed Governor and Captain General of Cuba, arrived from Spain on the 17th instant and took possession of his office on the same day: a copy of his address, to the inhabitants of the Island, which appears in the "Gaceta Oficial" of today, is transmitted herewith.

I called upon him, officially, yesterday, and was very cordially received: he referred to the very important commercial

and other relations, existing between the United States and the Island, and expressed his desire to do all in his power to promote harmony and good understanding; he mentioned also that he had requested the Minister of Spain, at Washington, to present his respects to the President and to the Secretary of State and to express to them the same assurances; requesting me, at the same time, to repeat them to the Department. I replied that I should have great pleasure in complying with his request and that I could, in advance, assure him that his friendly sentiments would be appreciated and received in the same spirit

in

in which he had expressed them.

General Blanco, is apparently a much younger man than any of his predecessors, excepting, possibly, General Concha during his first administration in 1850/51. He has a good military as well as civil record, the latter acquired in his late capacity of Governor General of the province of Catalonia in Spain. He has never, I learn, held any but a military position in Cuba, and that was as a major in the Army some thirteen years ago.

That General Blanco has the best intentions there can

be no doubt: he will, however, find his position a very difficult one; more especially at this time, when the economic situation is in all respects so unsatisfactory: with a people over burdened with taxation, from which they are constantly clamoring for relief, and the generally admitted impossibility for the Island to enter upon a new era of prosperity until it shall have undergone social, political and economical reconstruction.

I am Sir, very respectfully,

Your Obedient Servant.

Henry C. Hall

Consul General.

Inclosure.

1. Address of Governor General Blanco - April 19th 1879.

Inclosure N°1.-
With Dispatch N°792.
Havana, April 19th 1879.
From the Gaceta Oficial of 19th April 1879.

Address of Governor General Blanco.

PARTE OFICIAL.

PRIMERA SECCION.

OFICINAS SUPERIORES GENERALES.

GOBIERNO GENERAL DE LA ISLA DE CUBA.

HABITANTES DE LA ISLA DE CUBA:

Completamente identificado, como es notorio, con mi ilustre antecesor el General Martinez Campos, que actualmente preside el Gobierno de S. M., procuraré en el desempeño del altísimo cargo que me ha sido confiado, ser el fiel y constante continuador de la política tan felizmente iniciada por él en estas Provincias de la Monarquía, empleando mis fuerzas todas y toda mi voluntad en llevar á feliz término su gloriosa obra de paz y conciliacion, y consagrándome por completo á promover y desarrollar la prosperidad de este territorio y el bienestar de sus habitantes.

Para la consecucion de estos propósitos, en los que cifro hoy todo mi anhelo, cuento con la eficaz é ilustrada cooperacion de todas las Autoridades, Corporaciones y funcionarios y singularmente con el pueblo entero de Cuba, de cuya sensatez y buena voluntad no puede dudar nunca vuestro Gobernador General,

Ramon Blanco.

Translation.

General

General Government of the Island of Cuba.

Inhabitants of the Island of Cuba.

Thoroughly identified, as is well known, with my illustrious predecessor, General Martinez de Campos, who now presides over the Government of His Majesty, I shall endeavor, in the discharge of the high duties which have been confided to me, to be the true and constant continuator of the policy so happily initiated in these Provinces of the Monarchy, using all my efforts and will in carrying out to a happy termination his glorious work of peace and conciliation and consecrating myself entirely to promoting and developing the prosperity of this

territory

territory and to the welfare of its inhabitants.

For the continuation of these purposes in which are embraced my most ardent aspirations, I count upon the efficient and enlightened cooperation of all the Authorities, corporations and functionaries, and especially upon all the people of Cuba, of whose good sense and intentions can never doubt your Governor General.

Ramon Blanco.

M Wood

Ack + refer Treasury Dept

No. 793 U.S. Consulate General.
Havana, May 6th 1879.

DEPARTMENT OF STATE
MAY
14
1879
RECEIVED

Mr Hall to the
Department of State.

Advd. May 21

Import duties on sugar in the United States.

Copy to Treasury May 15

Transmitting an article from the "El Triunfo" of Havana, relating to the investigations of Messrs Chamberlin, Abbott and French - agents of the Treasury Department - in regard to the alleged artifi=
=cial coloring of Cuban sugars for the purpose of evading the higher rates of duties to which they might otherwise be subject.

One inclosure -

N°793 — U.S. Consulate General
Havana, May 6th 1879.

Hon J.W. Seward.
Assistant Secretary of State.
Washington.

Sir:

I have the honor to trans=mit, herewith, the transbation of an article, which appears today in the newspaper "El Triunfo" of this place, referring to the recent investigations made in this Island, by Messrs Chamberlin, Abbott and French, under the direction of the Treasury Department, in regard to the alleged artificial coloring of Cuban sugars intended for the markets of the United States, with the view of classing, for the collection of duties, a superior quality of sugars with those of inferior grades.

The agents appear to

have had every opportunity given them by planters, and, on the other hand, they have evidently conducted their investigations with perfect fairness and with satisfactory results; establishing, beyond a doubt, the fact that the practises referred to do exist and have, probably, existed ever since the present tariff went into effect. The duties imposed, under this tariff, on sugars, are based upon their color without reference to the more modern standard of quality, known as polarization, by which sugars are now sold and bought in all the leading markets of the world.

I am Sir, very respectfully,
Your Obedient Servant.

Henry C. Hall
Consul General

Inclosure &c
1 - Article and translation from the "El Triunfo" of May 6th 1879.

Inclosure Nº 1.
With Dispatch Nº 793.
Havana, May 6th 1879.

From the "El Triunfo" of
Havana May 6th 1879.

Aplicacion de los impuestos al azúcar en los Estados Unidos.

Despues de haber visitado nuestros campos de caña y casas de calderas, ha regresado y se encuentra entre nosotros Mr Chamberlain, agente en Nueva York del ministerio de Hacienda en el asunto de los derechos del azúcar cuyo color se presumía obtenido artificialmente, y que siendo oscuro acusaba un impuesto menor á lo que pareceria corresponder á su polarizacion. Este Sr. cuyas maneras y escogido lenguaje le abren camino á toda sociedad culta, se ha expresado con calor y en términos muy favorables á los hacendados productores de la isla de Cuba y de ello nos felicitamos. Vienen en su compañía el coronel French conocedor de los intereses legítimos del comercio y Mr. Abbot químico y experto ó perito en la elaboracion del fruto con cuyos detalles está muy versado.

A juzgar por las palabaas que hemos escuchado al Sr. Chamberlain, sin que respondamos de haber precisado con exactitud su pensamiento, se trata solo de acomodar la recaudacion de los derechos al valor intrínseco del azúcar dando punto á las operaciones de ciertos monopolios de refinadores que obtienen fruto rico en sustancia sacarina ó casi refinado á los precios é impuestos fiscales de materia prima. Y se desea que los hacendados no se preocupen del color bajo y que se evite la exagerada reduccion del impuesto sobre el azúcar superior por lo que representa su color así como el fraude en el retorno que la Aduana abona á veces excedente al importe que ha recibido por derecho de importacion. Fuénos grato entender que la administracion pública de los Estados-Unidos, si bien celosa como es su deber, en la persecucion del contrabando y en la recaudacion de las rentas, no se ha propuesto poner una celada para sorprender á los importadores que obran de conformidad con el texto de la ley vigente. Conocer á fondo cual es el método de elaboracion practicado en Cuba, nacido quizas de la legislacion aduanera de aquellos Estados que son su gran consumidor, ha sido á no dudarlo el fin á que debemos la visita de estos señores. No reviste carácter oficial, pero no es aventurado afirmar que sus informas tendrán peso en la confeccion de la ley arancelaria que se prepare tal vez en la sesion extraordinaria del Congreso que por otras causas conmueve hoy al pueblo americano.

Nuestros lectores recordarán que la administracion apoyaba un proyecto de ley que fijaba el derecho en 2-41 centavos á todo azúcar que no pasase del número 13, tipo holandes, y 2-75 centavos si no escedia del número 16. Se supone que con una alteracion semejante los hacendados cubanos podrian sin perjuicio elaborar fruto de igual ó mayor polarizacion, bueno para el consumo directo y mejor retribuido, y que la ley con esta medida dejaria de imponer el color bajo que ha dado lugar á muchas desazones. En vez de sucumbir al monopolio de las refinerias nuestros marchantes, serian los consumidores de toda la Union.

Nos damos una vez más la enhorabuena de la impresion que hemos recibido porque nos parece encontrar hermanados en las miras de estos señores el deseo de servir á la Hacienda y al público con la benevolencia hácia el comercio que jamás se convierte en hostilidad. Así proceden los Gobiernos grandes; sus leyes se reforman, se definen y publican, se hacen cada dia más explícitas, se aclimatan por decirlo así, y solo imponen pena cuando la duda acerca de su inteligencia no tiene cabida posible en la conciencia. Ojalá que al regresar á su país y relatar los incidentes del paseo dado en dias de fuegos, vientos fuertes y escesivo polvo, pueda el Sr. Chamberlain con su palabra elocuente y fácil, ausiliar con el consejo en la obra interesante á ambos pueblos, de regir su mútua contratacion por un tratado de reciprocidad.

Translation.

Translation.

Application of the duties on sugars in the United States.

After visiting our cane fields and boiling houses, Mr Chamberlin has returned and is among us: he is the agent, in New York, of the Treasury Department in the matter of the duties upon sugar, the color of which is supposed to be obtained artificially and, being dark, is subject to a lower duty than its polarization would entitle it. This gentleman, whose manners and conversation would open to him the door of any enlightened community, has expressed himself

with fervor and in very favorable terms in regard to the planters of Cuba, and we congratulate them upon it. Within, have come Colonel French, well acquainted with legitimate commercial interests and Mr Abbott, chemist, and expert in the elaboration of the product, with the details of which he is well versed.

To judge from the remarks we have heard from Mr. Chamberlin, without being responsible that we express with exactness his ideas, the sole object sought is the collection of duties upon the intrinsic value of sugar, thus bring-ing to an end the operations of certain monopolist — refiners who obtain a product

rich in saccharine subs=
=tance, or almost refined,
at the prices and duties
of crude material: it
is desired also that —
planters should not
give so much attention
to low colors; to avoid
also the excessive reduction
of duty upon superior
sugar disguised in color
as well as the frauds in
the drawbacks which the
Custom House pays, —
frequently, in excess of the
sum received as the import=
=ation duty. — We were
gratified to learn that —
the Administration of the
United States, although
zealous, as is its duty,
in the persecution of —
contraband, in the collection
of its revenues, has not
undertaken to establish an
espionage

espionage to surprise
importers who operate in
accordance with the letter
of the law in force, but
to become thoroughly
acquainted with the
methods of elaboration
practised in Cuba, the
result, perhaps, of the
Custom House legislation
of the United States which
are the great consumers,
has been, beyond a doubt,
the object to which we owe
the visit of these gentlemen;
it is not invested with
an official character, but
it is not a venture to
affirm that their
reports will have great
weight in the arrangement
of the tariff which may
be prepared, perhaps,
for the extra session of
Congress which for other

causes, commoves the
American people.

Our readers will
remember that the admi=
=nistration supported a
bill which fixed a duty of
2.41 cents upon all sugar
not above N°13 Dutch
Standard, and 2.75, if
not above N°16. It is
supposed that with a
similar alteration, c
Cuban planters will be
able, without prejudice
to themselves, to make
a product of equal
or higher polarization
and more remunerative,
and that the law by
this measure would
cease to exact the low
color which has given
rise to so many disagree=
=able questions. Instead
of surrendering to the

refining monopoly, our
customers would then be
the consumers of that
country.

We once more
congratulate ourselves
upon the impression
we have received, because
it appears to us that we
find conciliated, in the
views of these gentlemen,
the desire to serve the
Treasury and the public
with that benevolence
towards commerce which
never becomes hostility..
In this way all great
Governments proceed;
their laws are reformed,
defined and published:
they become every day
more simplified, acclimated
as it were, and only impose
penalties when there can
be no conscientious doubt.

as to their meaning. We trust that upon his return to his country and in relating the incidents of the trip, made during days of fire, strong winds and excessive heat, Mr. Chamberlin, with his forcible and ready discourse will aid, with his counsel, the interesting work of both peoples, the regulation of their mutual interests by a treaty of reciprocity.

Mr Adee
Mr Moore

Tel

Tel. - inform Spanish Minister as requested.

No. 794. — U.S. Consulate General
Havana, May 7th 1879.

Copy to Navy May 9

Mr Hall to the
Department of State.

DEPARTMENT OF STATE
MAY
14
1879
RECEIVED

Proposed survey of portion of the Coast of Cuba by a U.S. naval vessel.

Acknowledging the receipt of instruction No. 500 of 30 April 1879 directing the writer to bring to the attention of the Governor General of Cuba, the request of the Navy Department for his acquiescence in the proposed examination of portions of the coast of Cuba for the purpose of establishing longitudes and latitudes.

No. 794.

U.S. Consulate General
Havana, May 7th 1879.

Hon J.W. Seward -
Assistant Secretary of State.
Washington.

Sir:

I have the honor to acknowledge the receipt of your instruction, No 500 of the 30th ultimo, informing me that it is the intention of the Navy Department to have portions of the coast of Cuba examined and latitudes and longitudes properly established, by a vessel of the United States Navy, for the purpose of correcting existing charts and sailing directions; directing me also to bring the matter to the attention of the Governor General, with the view of obtaining the acquiescence of the authorities of Cuba to the proposed work.

In

In reply I have to state that I have addressed a communication to the Governor General in the tenor of your instruction, and will forward his answer to the Department as soon as it is received.

With the view of allaying any possible suspicion, on the part of any of these Authorities, as regards the object of the visit of the vessel referred to, I beg leave, respectfully, to suggest that the request of the Navy Department be also made known to the Spanish Minister at Washington, as well as the name of the vessel and that of the Commander.

I am Sir, very respectfully
Your Obedient Servant.

Henry C Hall
Consul General.

Mr Wood

No 795.— U. S. Consulate General.
Havana, May 12th 1879.

DEPARTMENT OF STATE
MAY 20 1879
RECEIVED

Mr Hall, to the
Department of State.

Ackd. May 21

—

Accompanying statement, as per form No 105 of the aggregate of fees received at this office and dependencies during the year ended 31 December 1878.

N° 795 — U.S. Consulate General.
Havana, May 12th 1879.

Hon J.W. Seward
Assistant Secretary of State.
Washington.

Sir:

In acknowledgment of your separate instruction, of the 6th instant, I transmit herewith the return, as per form N°105, of the aggregate of fees received at this office and at the agencies of San Juan de los Remedios and Nuevitas, during the year ended 31st December 1878, and, at the same time, I beg leave to express my regret that it was not promptly forwarded at the beginning of the current year as required by the Consular Regulations.

File

I am Sir, very respectfully-
Your Obedient Servant.

Henry C. Hall
Consul General.